

AMENDED IN SENATE APRIL 5, 2001

AMENDED IN SENATE FEBRUARY 21, 2001

SENATE BILL

No. 52

Introduced by Senators Scott and Perata

(Principal coauthor: Assembly Member Jackson)

**(Coauthors: Senators Karnette, Kuehl, Murray, Polanco, and
Torlakson)**

(Coauthors: Assembly Members Chan, Firebaugh, Frommer, Keeley,
Kehoe, Koretz, Longville, Lowenthal, Vargas, and Washington)

December 18, 2000

An act to amend Sections 12001, 12026, 12070, 12071, 12072, and 12078 of, to amend and repeal Section 12081 of, to add Section 12810 to, ~~and~~ to add Article 3.5 (commencing with Section 12060) to *Chapter 1 of Title 2 of Part 4 of, and to repeal Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4 of*, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 52, as amended, Scott. Firearms: licensing.

Existing law generally regulates the transfer of firearms.

This bill would provide that, subject to various exceptions, no person may purchase, or receive through gift, loan, transfer, or bequest, a handgun, as defined, without a handgun safety license, as specified. This bill would provide that no handgun safety license may be issued to any person under 21 years of age. This bill would establish an application procedure for obtaining a handgun safety license, including a written test, safe handling demonstration, and a basic shooting proficiency demonstration. The application procedure would impose

various duties on local law enforcement officials, thereby imposing a state-mandated local program. ~~The bill would also require the Department of Justice to conduct annual background checks of handgun safety licensees.~~ The bill would also require the department, subject to an appropriation, to conduct a public education campaign regarding the handgun acquisition license. Violation of specified conditions of the license would result in suspension, or revocation of the license, and would be punishable as an infraction or a misdemeanor, as specified. The bill would also provide that the altering, forging, counterfeiting or other falsifying of a handgun safety license, or the use or attempted use of the same would be punishable as a misdemeanor or felony. The bill would provide that the provisions described in this paragraph would become operable on July 1, 2002.

By creating new crimes, this bill would impose a state-mandated local program.

Existing law, except as provided, requires purchasers and transferees of handguns, as specified, to obtain a “basic firearms safety certificate.”

This bill would make these provisions inoperative on July 1, 2002, and instead, provide for safe handling and shooting proficiency testing in connection with obtaining a handgun safety license.

This bill would make other conforming changes, including changes that affect requirements relating to the transfer or loan of firearms by firearms dealers and others, the violation of which is an offense. By changing these requirements, this bill would change the definition of existing crimes, and thereby impose a state-mandated local program.

This bill would provide that its provisions are contingent on an appropriation by the Legislature for the purposes of the act in the Budget Act of 2001 for the 2001–02 fiscal year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs



so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12001 of the Penal Code is amended to
2 read:

3 12001. (a) (1) As used in this title, the terms “pistol,”
4 “revolver,” and “firearm capable of being concealed upon the
5 person” shall apply to and include any device designed to be used
6 as a weapon, from which is expelled a projectile by the force of any
7 explosion, or other form of combustion, and that has a barrel less
8 than 16 inches in length. These terms also include any device that
9 has a barrel 16 inches or more in length which is designed to be
10 interchanged with a barrel less than 16 inches in length.

11 (2) As used in this title, the term “handgun” means any
12 “pistol,” “revolver,” or “firearm capable of being concealed
13 upon the person.”

14 (3) As used in this code, the term “basic *firearms* safety
15 certificate” is deemed to mean “handgun safety license” as
16 defined in Section 12060.

17 (b) As used in this title, “firearm” means any device, designed
18 to be used as a weapon, from which is expelled through a barrel a
19 projectile by the force of any explosion or other form of
20 combustion.

21 (c) As used in Sections 12021, 12021.1, 12070, 12071, 12072,
22 12073, 12078, and 12101 of this code, and Sections 8100, 8101,
23 and 8103 of the Welfare and Institutions Code, the term “firearm”
24 includes the frame or receiver of the weapon.

25 (d) For the purposes of Sections 12025 and 12031, the term
26 “firearm” also shall include any rocket, rocket propelled
27 projectile launcher, or similar device containing any explosive or
28 incendiary material whether or not the device is designed for
29 emergency or distress signaling purposes.

30 (e) For purposes of Sections 12070, 12071, and paragraph (7)
31 of subdivision (a), and subdivisions (b), (c), (d), and (f) of Section
32 12072, the term “firearm” does not include an unloaded firearm

1 that is defined as an “antique firearm” in Section 921(a)(16) of
2 Title 18 of the United States Code.

3 (f) Nothing shall prevent a device defined as a “pistol,”
4 “revolver,” or “firearm capable of being concealed upon the
5 person” from also being found to be a short-barreled shotgun or
6 a short-barreled rifle, as defined in Section 12020.

7 (g) For purposes of Sections 12551 and 12552, the term “BB
8 device” means any instrument that expels a metallic projectile,
9 such as a BB or a pellet, through the force of air pressure, CO₂
10 pressure, or spring action, or any spot marker gun.

11 (h) As used in this title, “wholesaler” means any person who
12 is licensed as a dealer pursuant to Chapter 44 (commencing with
13 Section 921) of Title 18 of the United States Code and the
14 regulations issued pursuant thereto who sells, transfers, or assigns
15 firearms, or parts of firearms, to persons who are licensed as
16 manufacturers, importers, or gunsmiths pursuant to Chapter 44
17 (commencing with Section 921) of Title 18 of the United States
18 Code, or persons licensed pursuant to Section 12071, and includes
19 persons who receive finished parts of firearms and assemble them
20 into completed or partially completed firearms in furtherance of
21 that purpose.

22 “Wholesaler” shall not include a manufacturer, importer, or
23 gunsmith who is licensed to engage in those activities pursuant to
24 Chapter 44 (commencing with Section 921) of Title 18 of the
25 United States Code or a person licensed pursuant to Section 12071
26 and the regulations issued pursuant thereto. A wholesaler also does
27 not include those persons dealing exclusively in grips, stocks, and
28 other parts of firearms that are not frames or receivers thereof.

29 (i) As used in Section 12071, 12072, or 12084, “application to
30 purchase” means any of the following:

31 (1) The initial completion of the register by the purchaser,
32 transferee, or person being loaned the firearm as required by
33 subdivision (b) of Section 12076.

34 (2) The initial completion of the LEFT by the purchaser,
35 transferee, or person being loaned the firearm as required by
36 subdivision (d) of Section 12084.

37 (3) The initial completion and transmission to the department
38 of the record of electronic or telephonic transfer by the dealer on
39 the purchaser, transferee, or person being loaned the firearm as
40 required by subdivision (c) of Section 12076.



1 (j) For purposes of Section 12023, a firearm shall be deemed
2 to be “loaded” whenever both the firearm and the unexpended
3 ammunition capable of being discharged from the firearm are in
4 the immediate possession of the same person.

5 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,
6 12072, 12073, 12078, and 12101 of this code, and Sections 8100,
7 8101, and 8103 of the Welfare and Institutions Code,
8 notwithstanding the fact that the term “any firearm” may be used
9 in those sections, each firearm or the frame or receiver of the same
10 shall constitute a distinct and separate offense under those
11 sections.

12 (l) For purposes of Section 12020, a violation of that section as
13 to each firearm, weapon, or device enumerated therein shall
14 constitute a distinct and separate offense.

15 (m) Each application that requires any firearms eligibility
16 determination involving the issuance of any license, permit, or
17 certificate pursuant to this title shall include two copies of the
18 applicant’s fingerprints on forms prescribed by the Department of
19 Justice. One copy of the fingerprints may be submitted to the
20 United States Federal Bureau of Investigation.

21 (n) As used in this chapter, a “personal handgun importer”
22 means an individual who meets all of the following criteria:

23 (1) He or she is not a person licensed pursuant to Section 12071.

24 (2) He or she is not a licensed manufacturer of firearms
25 pursuant to Chapter 44 (commencing with Section 921) of Title 18
26 of the United States Code.

27 (3) He or she is not a licensed importer of firearms pursuant to
28 Chapter 44 (commencing with Section 921) of Title 18 of the
29 United States Code and the regulations issued pursuant thereto.

30 (4) He or she is the owner of a pistol, revolver, or other firearm
31 capable of being concealed upon the person.

32 (5) He or she acquired that pistol, revolver, or other firearm
33 capable of being concealed upon the person outside of California.

34 (6) He or she moves into this state on or after January 1, 1998,
35 as a resident of this state.

36 (7) He or she intends to possess that pistol, revolver, or other
37 firearm capable of being concealed upon the person within this
38 state on or after January 1, 1998.

39 (8) The pistol, revolver, or other firearm capable of being
40 concealed upon the person was not delivered to him or her by a

1 person licensed pursuant to Section 12071 who delivered that
2 firearm following the procedures set forth in Section 12071 and
3 subdivision (c) of Section 12072.

4 (9) He or she, while a resident of this state, had not previously
5 reported his or her ownership of that pistol, revolver, or other
6 firearm capable of being concealed upon the person to the
7 Department of Justice in a manner prescribed by the department
8 that included information concerning him or her and a description
9 of the firearm.

10 (10) The pistol, revolver, or other firearm capable of being
11 concealed upon the person is not a firearm that is prohibited by
12 subdivision (a) of Section 12020.

13 (11) The pistol, revolver, or other firearm capable of being
14 concealed upon the person is not an assault weapon, as defined in
15 Section 12276 or 12276.1.

16 (12) The pistol, revolver, or other firearm capable of being
17 concealed upon the person is not a machinegun, as defined in
18 Section 12200.

19 (13) The person is 18 years of age or older.

20 (o) For purposes of paragraph (6) of subdivision (n):

21 (1) Except as provided in paragraph (2), residency shall be
22 determined in the same manner as is the case for establishing
23 residency pursuant to Section 12505 of the Vehicle Code.

24 (2) In the case of members of the Armed Forces of the United
25 States, residency shall be deemed to be established when he or she
26 was discharged from active service in this state.

27 SEC. 2. Section 12026 of the Penal Code is amended to read:

28 12026. (a) Section 12025 shall not apply to or affect any
29 citizen of the United States or legal resident over the age of 18
30 years who resides or is temporarily within this state, and who is not
31 within the excepted classes prescribed by Section 12021 or
32 12021.1 of this code or Section 8100 or 8103 of the Welfare and
33 Institutions Code, who carries, either openly or concealed,
34 anywhere within the citizen's or legal resident's place of residence,
35 place of business, or on private property owned or lawfully
36 possessed by the citizen or legal resident any pistol, revolver, or
37 other firearm capable of being concealed upon the person.

38 (b) No permit or license, other than the handgun safety license
39 required by Section 12060, to purchase, own, possess, keep, or
40 carry, either openly or concealed, shall be required of any citizen

1 of the United States or legal resident over the age of 18 years who
2 resides or is temporarily within this state, and who is not within the
3 excepted classes prescribed by Section 12021 or 12021.1 of this
4 code or Section 8100 or 8103 of the Welfare and Institutions Code,
5 to purchase, own, possess, keep, or carry, either openly or
6 concealed, a pistol, revolver, or other firearm capable of being
7 concealed upon the person within the citizen's or legal resident's
8 place of residence, place of business, or on private property owned
9 or lawfully possessed by the citizen or legal resident.

10 (c) Nothing in this section shall be construed as affecting the
11 application of Section 12031.

12 SEC. 3. Article 3.5 (commencing with Section 12060) is
13 added to *Chapter 1* of Title 2 of Part 4 of the Penal Code, to read:

14
15 Article 3.5. Handgun Safety License
16

17 12060. (a) As used in this section and Sections 12061 and
18 12062, the following definitions shall apply:

19 (1) "Chief law enforcement officer" means the head of a
20 municipal police department of any city or city and county, or the
21 sheriff ~~in the unincorporated portions of a county~~ within
22 California.

23 (2) "Department" means the Department of Justice.

24 (3) "Handgun" means any pistol, revolver, or other firearm
25 capable of being concealed upon the person.

26 (b) ~~(1)~~ No person shall purchase, or receive through gift, loan,
27 transfer, or bequest, any handgun, except an antique firearm, as
28 defined in paragraph (5) of subdivision (b) of Section 12020,
29 without a valid handgun safety license issued by the department
30 pursuant to this section. No person shall sell, or deliver through
31 gift, loan, transfer, or bequest, any handgun, except an antique
32 firearm, as defined in paragraph (5) of subdivision (b) of Section
33 12020, to any ~~individual~~ *recipient* without assuring that the
34 ~~individual~~ *recipient* has a valid handgun safety license issued by
35 the department pursuant to this section.

36 ~~(2) The following persons, properly identified, are exempt~~
37 ~~from the requirement that a valid handgun safety license is needed~~
38 ~~to purchase, receive through gift, loan, transfer, or bequest, any~~
39 ~~handgun.~~

1 ~~(A) Any California or federal peace officer who is authorized~~
2 ~~to carry a firearm while on duty.~~

3 ~~(B) Any honorably retired peace officer, as defined in Section~~
4 ~~830.1, 830.2 or subdivision (e) of Section 830.5 who was~~
5 ~~authorized to carry a firearm on duty.~~

6 ~~(C) Any honorably retired federal officers or agents who were~~
7 ~~authorized to, and did, carry firearms in the course and scope of~~
8 ~~their duties and are authorized to carry firearms pursuant to~~
9 ~~subdivision (i) of Section 12027.~~

10 (c) The department shall not issue a handgun safety license to
11 any person who is under the age of 21 or who falls into any of the
12 classes prohibited by Section 12021 or 12021.1 of this code or
13 Section 8100 or 8103 of the Welfare and Institutions Code.

14 (d) (1) The department shall modify the existing dealers'
15 record of sales form and make available the new dealers' record
16 of sales form, and develop and make available a handgun safety
17 license application form. The forms shall be readily available to
18 the public, including by means of the Internet.

19 (2) *The handgun safety license application form shall include*
20 *the following information in addition to any other information*
21 *deemed necessary by the department:*

22 (A) *The applicant's name.*

23 (B) *The applicant's mailing address.*

24 (C) *Any alias ever used by the applicant, or other names by*
25 *which the applicant has ever been known.*

26 (D) *The date and place of birth of the applicant.*

27 (E) *An indication as to whether the applicant falls into any of*
28 *the classes prohibited by Section 12021 or 12021.1 of this code or*
29 *Section 8100 or 8103 of the Welfare and Institutions Code.*

30 (F) *A statement that the applicant has read and agrees to*
31 *comply with all of the conditions of the handgun safety license.*

32 (G) *The date of the application.*

33 (H) *The signature of the applicant.*

34 ~~(e)~~

35 (1) An applicant for a handgun safety license shall ~~provide all~~
36 ~~of the following information, and an individual providing false~~
37 ~~information shall be guilty of a misdemeanor:~~

38 ~~(1) Name.~~

39 ~~(2) Current mailing address.~~

1 ~~(3) Any aliases ever used, or other names by which the~~
2 ~~applicant has ever been known.~~

3 ~~(4) Date and place of birth.~~

4 ~~(5) An indication as to whether the applicant falls into any of~~
5 ~~the classes prohibited by Section 12021 or 12021.1 of this code or~~
6 ~~Section 8100 or 8103 of the Welfare and Institutions Code.~~

7 ~~(6) A California driver's license or state issued photo~~
8 ~~identification card.~~

9 ~~(7) A clear thumbprint, taken at the time of submission of the~~
10 ~~application pursuant to subdivision (f).~~

11 ~~(8) A statement that the applicant has read and agrees to comply~~
12 ~~with all of the conditions of the handgun safety license.~~

13 ~~(9) Date of application.~~

14 ~~(10) Signature.~~

15 ~~(11) Documentation that the applicant is a California resident.~~
16 ~~Satisfactory documentation may include, but shall not be limited~~
17 ~~to, a utility bill from within the last three months, a residential~~
18 ~~lease, or a property deed. *complete an pass a written test, the*~~
19 ~~*content, form, and manner of which shall be prescribed by the*~~
20 ~~*department. The test shall be administered by an instructor*~~
21 ~~*certified by the department. Upon the applicant's successful*~~
22 ~~*completion of the written test, the instructor shall provide a*~~
23 ~~*certificate of completion for the written test to the applicant. The*~~
24 ~~*test shall cover all of the following:*~~

25 ~~(A) The laws applicable to the carrying and handling of~~
26 ~~firearms, particularly handguns.~~

27 ~~(B) The responsibilities of ownership of firearms, particularly~~
28 ~~handguns.~~

29 ~~(C) Current law related to the private sale and transfer of~~
30 ~~firearms.~~

31 ~~(D) Current law as it relates to the permissible use of lethal~~
32 ~~force.~~

33 ~~(E) What constitutes safe firearms storage practices.~~

34 ~~(F) The risks associated with bringing a handgun into the~~
35 ~~home.~~

36 ~~(G) Prevention strategies to reduce the risks associated with~~
37 ~~bringing a handgun into the home.~~

38 ~~(2) The applicant shall perform a safe handling demonstration~~
39 ~~under the direct supervision of an instructor certified by the~~
40 ~~department, using department-approved safety procedures, and in~~

1 accordance with safe firing range practices. The safe handling
2 demonstration shall include, but not be limited to, the tasks listed
3 below for both a pistol and a revolver. The content, form, and
4 manner of the safe handling demonstration shall be prescribed by
5 the department. The applicant shall:

6 (A) Begin with an unloaded handgun that is locked with a
7 firearms safety device approved pursuant to Section 12088.1.

8 (B) Remove the locking device.

9 (C) Fully load the handgun with live ammunition.

10 (D) Fully discharge the handgun.

11 (E) Engage any integrated safety device.

12 (F) Reapply the firearms safety device.

13 (G) If the pistol has a detachable magazine, remove the
14 magazine while a round is in the chamber and demonstrate that the
15 weapon may fire even though the magazine is removed, if the
16 weapon has that capability.

17 (3) An applicant who fails to correctly complete the safe
18 handling demonstration may, after reviewing the relevant course
19 materials, perform the entire test again. The instructor shall not
20 certify that the applicant has completed the requirements of this
21 section until the applicant performs all of them. Upon the
22 applicant's successful completion of the safe handling
23 demonstration, the instructor shall provide a certificate of
24 completion for the safe handling demonstration to the applicant.

25 (f) (1) ~~The completed application shall be submitted in person~~
26 ~~to a chief law enforcement officer.~~ Within six months of completing
27 the written test and the safe handling demonstration, the applicant
28 shall personally submit the certificates of completion, together
29 with a completed handgun safety license application in a form
30 prescribed by the department to a chief law enforcement officer, or
31 to an agent of the chief law enforcement officer designated for that
32 purpose. The chief law enforcement officer shall provide for
33 taking a thumbprint of the applicant at the time of submission of
34 the application. The thumbprint shall be placed on both the
35 original application and on a copy, to be retained by the chief law
36 enforcement officer. The thumbprint taken in connection with the
37 application shall be maintained with the applicant's application
38 file, but shall be used for a background check of the applicant only
39 when the department has developed procedures that, in the

determination of the department, are cost-effective for the department to conduct a background check. The

(2) *The chief law enforcement officer or his or her designated agent shall witness the signature of the applicant on the form, and shall attest to that fact on the form. The chief law enforcement officer or his or her designated agent shall require clear evidence of the applicant's identity and age, as defined in paragraph (1) of subdivision (c) of Section 12071. In addition, the applicant shall comply with paragraphs (2) to (4), inclusive, by taking a course from a department certified handgun safety license instructor.*

(3) *The applicant shall provide documentation demonstrating that the applicant is a California resident. Satisfactory documentation may include, but shall not be limited to, a utility bill from within the last three months, a residential lease, or a property deed.*

(4) After the chief law enforcement officer or his or her designee verifies the applicant's name, date of birth, valid driver's license or state identification card, and documentation that the individual is a California resident, the chief law enforcement officer shall retain a copy of the application and thumbprint and return the original to the applicant. The original application shall be returned to the applicant not more than two business days from the time of receipt of the application. The chief law enforcement officer shall stamp the original to certify his or her review and approval.

~~(2) The applicant shall perform a safe handling demonstration encompassing various types of handguns, the content, form, and manner of which shall be prescribed by the department. The demonstration shall be performed for an instructor certified by the department.~~

~~(3) The applicant shall perform a basic shooting proficiency demonstration, the content, form, and manner of which shall be prescribed by the department. The demonstration shall be performed before an instructor certified by the department.~~

~~(4) The applicant shall complete and pass a written test, the content, form, and manner of which shall be prescribed by the department. The test shall be administered by an instructor certified by the department. The test shall cover all of the following:~~

~~(A) The laws applicable to the carrying and handling of firearms, particularly handguns.~~

~~(B) The responsibilities of ownership of firearms, particularly handguns.~~

~~(C) Current law related to the private sale and transfer of firearms.~~

~~(D) Current law as it relates to permissible use of lethal force.~~

~~(E) What constitutes safe firearms storage practices.~~

~~(F) Risks associated with bringing a handgun into the home.~~

~~(G) Prevention strategies to reduce risks associated with bringing a handgun into the home.~~

~~(5) Certification that the requirements in paragraphs (2) to (4), inclusive, have been completed within the previous six months shall be provided to law enforcement in a form prescribed by the department together with the handgun safety license course certificate.~~

~~(6) Individuals who have a valid concealed weapons permit issued pursuant to Section 12050 shall be exempt from the thumbprint requirement in paragraph (7) of subdivision (e) and from the safety requirements in paragraphs (2) to (5), inclusive, of subdivision (f). Reserve peace officers, as defined by Section 832.6, shall also be exempt from the thumbprint and safety requirements if the department determines that the training completed by the reserve peace officers is, at a minimum, equivalent to the training course, written test, firearm proficiency, and safe handling demonstration required pursuant to the safety requirements of this section.~~

~~(7) Individuals who are authorized by the department as handgun safety license instructors pursuant to paragraph (3) of subdivision (a) of Section 12062 shall be exempt from the requirements of subdivision (b).~~

(g) The licensed California dealer shall, within two business days, forward the completed application to the department. The department shall complete an investigation to determine whether the applicant is a member of any class of person prohibited under this section from receiving a handgun safety license. If the department determines that the applicant is not prohibited by this section from obtaining a handgun safety license, the department shall forward a handgun safety license to the applicant via United States mail within 10 days of receiving the application. The fact

1 that a background check was conducted in order for a person to
2 obtain a handgun safety license shall not be construed to exempt
3 that person from a subsequent background check when purchasing
4 a handgun. An individual who submits an application to purchase
5 a firearm at the same time he or she submits an application for a
6 handgun safety license shall undergo, and be charged for, only one
7 background check.

8 (h) The handgun safety license shall be issued by the
9 department and shall contain all of the following information with
10 respect to the licensee on a paper card that tears out of the license
11 form returned to the applicant:

12 (1) Name.

13 (2) Current mailing address.

14 (3) Date of birth.

15 (4) A handgun safety license number unique to each licensee
16 and that is the same as the licensee's California driver's license
17 number, or if the licensee does not have a California driver's
18 license, a number that is the same as the licensee's California state
19 identification card number.

20 (5) Expiration date of the license.

21 (6) The signature provided on the application or a facsimile
22 thereof.

23 (i) The following words shall be prominently displayed,
24 centered at the top of the license:

25
26 "CALIFORNIA HANDGUN SAFETY LICENSE
27 NOT VALID FOR ANY OTHER PURPOSE"
28

29 (j) The handgun safety license may, at the discretion of the
30 Attorney General, include some or all of the information specified
31 in subdivision (h) in an electronically readable format.

32 (k) A license issued pursuant to this section is valid for five
33 years from the date of issuance of the license, or until the licensee's
34 California driver's license expires, whichever period is shorter. If
35 the licensee does not have a California driver's license, the
36 handgun safety license shall expire on the licensee's birthday that
37 falls at least five but no more than six years after issuance of the
38 handgun safety license. If the drivers license expires within the
39 next year, the handgun safety license shall expire at the time the
40 next driver's license expires.

(l) The department shall maintain a current data base containing all of the information submitted by each applicant pursuant to this section, which shall become part of a consolidated firearm information system to be developed by the Attorney General. This system shall be merged with the current Dealers Record of Sale system. The data base shall be accessible both directly through telephonic or other electronic means, and indirectly through the department, as follows:

(1) To law enforcement officials, in the furtherance of their official duties, to permit rapid determination of the license status of any individual.

(2) To any state agency for the sole purpose of statistical evaluation of the licensing program established pursuant to this section. Appropriate steps shall be taken to protect the privacy rights of individual licensees when any information is released pursuant to this paragraph.

(m) The department shall charge the applicant a license fee sufficient to completely cover the costs incurred by the department in administering the handgun safety licensing program, not to exceed thirty dollars (\$30) per license application. This fee shall be deposited in the Dealers Record of Sale Account and funds in that account may be used to cover costs under this section and to repay the General Fund for any funds allocated to implement this section, plus interest. The chief law enforcement officer may charge the applicant an administrative fee solely to cover the costs incurred by the chief law enforcement officer in processing applications pursuant to this section, not to exceed twelve dollars (\$12) per license application. These costs may be adjusted every calendar year by the department by an amount, rounded to the nearest whole dollar, by which inflation has occurred; however, the fees charged for the application shall not exceed the costs of administering the licensing program by the respective agencies charging the fees.

(n) The handgun safety license shall be subject to the following conditions, the breach of any one of which shall result in the immediate suspension or revocation, as defined, by the department or by order of a judge of a court of record, in addition to any other penalty provided by law:

(1) Revocation of the license for the length of time an individual is prohibited under any applicable state law from

1 purchasing a pistol, revolver, or other firearm capable of being
2 concealed upon the person.

3 (2) The license shall be invalid if it does not contain an
4 individual's current mailing address and legal name. The
5 individual may reactivate the license by notifying the department
6 in writing of any change of legal name or mailing address of the
7 licensee. The department shall verify receipt of the change of
8 address within 10 days by mailing back a small card with the new
9 address or name. The license shall become valid when the data is
10 transmitted to the department.

11 (3) A one-year suspension if an individual fails to comply with
12 the provisions of subdivision (d) of Section 12072.

13 (o) Upon receipt of notification of any change of legal name or
14 mailing address of a licensee, the department shall issue an
15 amended license containing the new information. The issuance of
16 an amended license shall not change the expiration date of the
17 license.

18 (p) Within five days of receipt of notice of revocation of the
19 license by the department or a judge of a court of record, or on any
20 earlier date as required by the court, the licensee shall deliver the
21 license to the department or to the clerk of the court.

22 (q) ~~Subject to adequate funding, The department shall, 90 days~~
23 ~~prior to the expiration of the handgun safety license, the~~
24 ~~department shall~~ mail a letter to the licensee reminding him or her
25 of the license expiration. However, the license shall expire
26 irrespective of whether or not the licensee receives notification.

27 (r) To renew a handgun safety license, the licensee must first
28 retake the written test to be administered by an instructor certified
29 by the department. After passing this test, the individual shall
30 submit a renewal application, that shall include all of the
31 information specified in subdivision (e) of Section 12060,
32 excepting the thumbprint, along with the handgun safety license
33 fee, in a form approved by the Attorney General, to the chief law
34 enforcement officer no later than 30 days prior to the expiration
35 date of the license. The licensee also shall provide current proof
36 of identity, as described in paragraph (1) of subdivision (c) of
37 Section 12071, and his or her current mailing address. The chief
38 law enforcement officer shall forward the renewal application to
39 the department within 48 hours. The department shall issue a new

1 license bearing the mailing address of the licensee, and the
2 additional information specified in subdivision (h).

3 (s) The handgun safety license shall be presented at the point
4 of purchase or transfer by the licensee when purchasing or taking
5 possession of a handgun in this state.

6 ~~(t) (1) In addition to any other penalty, a violation of this~~
7 ~~section is an infraction punishable by a one hundred dollar (\$100)~~
8 ~~fine.~~

9 ~~(2) A second violation of this section is punishable by that fine~~
10 ~~and a five-year suspension of the handgun safety license.~~

11 ~~(3) A third or subsequent violation of this section is punishable~~
12 ~~as a misdemeanor and a permanent prohibition against being~~
13 ~~eligible for a handgun safety license.~~

14 ~~(u)~~

15 (t) This section shall become operative on July 1, 2002.

16 12061. (a) Any person who alters, forges, counterfeits, or
17 falsifies any handgun safety license, or uses or attempts to use any
18 altered, forged, counterfeited, or falsified handgun safety license
19 to purchase a handgun, is guilty of a misdemeanor.

20 (b) No person may commit an act of collusion relating to this
21 act. An act of collusion shall be punishable by a
22 one-thousand-dollar (\$1,000) fine and a prohibition on owning or
23 controlling firearms in California for five years. Collusion
24 includes any of the following:

25 (1) A person other than the test applicant answering the test
26 applicant's questions during a handgun safety license test.

27 (2) Knowingly grading the examination falsely.

28 (3) Providing an advance copy of the test to an applicant.

29 (4) Taking or allowing another person to take handgun safety
30 license course or test for one who is the applicant for the license.

31 (5) Allowing others to give unauthorized assistance during the
32 course or test.

33 (6) Reference to unauthorized materials during the written test
34 and cheating by the applicant.

35 (7) Providing originals or photocopies of the written test, or
36 any version thereof, to any person applying for a license, except
37 as part of actual test administration.

38 (c) This section shall become operative on July 1, 2002.

39 12062. (a) Beginning on July 1, 2001, and prior to February
40 1, 2002, the department shall do all of the following:

(1) Develop the course content and instructional materials for a handgun safety license course. The course shall consist of not less than two, nor more than eight hours of instruction, including, but not limited to, instruction in the following areas as they pertain to handguns:

(A) The laws applicable to the carrying and handling of firearms, particularly handguns.

(B) The responsibilities of ownership of firearms, particularly handguns.

(C) Current law relating to the private sale and transfer of firearms.

(D) Current law as it relates to the permissible use of lethal force.

(E) What constitutes safe gun storage.

(F) ~~Risks~~ *Issues* associated with bringing a handgun into the home.

(G) Prevention strategies to ~~reduce risks~~ *address issues* associated with bringing firearms into the home.

(2) Develop an instructional manual and, if the department deems necessary, audiovisual materials, to be issued to a handgun safety license instructor certified by the department. The department shall make the instructional manual available to firearms dealers licensed pursuant to Section 12071, who shall have it available to the general public. Essential portions of the manual may be included in the pamphlet described in Section 12080.

(3) Prescribe a minimum level of skill, knowledge, and competency to be required of all handgun safety license instructors and develop and provide the guidelines to be used to certify the instructors. The department shall charge a fee, not to exceed two hundred dollars (\$200), which can be adjusted annually for inflation, to pay for certification.

(4) Develop a safe handling demonstration, basic shooting proficiency and objective written tests for the handgun safety license course. There shall be no less than five distinct versions of the objective test. The purpose of the objective test shall be to ensure knowledge of the items specified in paragraph (1). The test shall consist of not less than 20, nor more than 30, questions. An applicant shall respond successfully to at least 75 percent of the total number of questions in order to pass the test.



(5) The department shall incorporate a statement of policy in the course materials declaring that the requirements of the provisions of this section shall be administered in a fair and nondiscriminatory manner.

(6) At any point in the course, including testing, where an applicant fails to meet a requirement, the applicant shall be informed of that fact at the time of failure. If the applicant is denied a handgun safety license for failure to meet one or more requirements, the applicant shall be notified in writing, within 10 days of that determination, and the notification shall advise the applicant of the failure and basis for the denial.

(b) The department shall solicit input from any reputable association or organization that has, as one of its objectives, the promotion of firearms safety in the development of the basic firearms safety course.

(c) The department shall periodically update the curriculum of the handgun license safety course, instructional materials, the handgun safety license manual, the objective test, and guidelines for handgun safety license instructors, as needed. *The course should reflect current law.*

(d) The department shall develop handgun safety license course certificates to be issued by the department, or an instructor certified by the department, to those persons who have complied with this article.

(e) The department shall ensure that the course shall be available to persons at convenient times and locations in a person's county of residency by July 1, 2002. In the case of a city and county, the department shall ensure that a course is available within 15 miles of that city and county.

(f) The department shall be immune from any liability arising from implementing this section.

~~12063. The Department of Justice shall conduct an annual background check of all persons who have a handgun safety license, to ensure that licenses have not become prohibited from possessing a handgun pursuant to Section 12021 or 12021.1, or Section 8100 or 8103 of the Welfare and Institutions Code.~~

12063. (a) The following individuals are exempted from the demonstration requirement and thumbprint requirement in subdivisions (e) and (f) of Section 12060:

1 (1) *Individuals who have a valid concealed weapons permit*
2 *issued pursuant to Section 12050.*

3 (2) *Reserve peace officers, as defined in Section 832.6, if the*
4 *department determines that the training completed by the reserve*
5 *peace officer is, at a minimum, equivalent to the training course,*
6 *written test, and safe handling demonstration required pursuant to*
7 *Section 12060.*

8 (3) *Active military and military reserve personnel.*

9 (4) *Private security guards, if the department determines that*
10 *the training completed by the security guard is, at a minimum,*
11 *equivalent to the training course, written test, and safe handling*
12 *demonstration required pursuant to Section 12060.*

13 (5) *Federally licensed firearms collectors.*

14 (b) *The following persons, properly identified, are exempt from*
15 *the requirement that a valid handgun safety license is needed to*
16 *purchase, receive through gift, loan, transfer, or bequest, any*
17 *handgun:*

18 (1) *Any California or federal peace officer who is authorized*
19 *to carry a firearm on duty.*

20 (2) *Any honorably retired peace officer, as defined in Section*
21 *830.1, 830.2, or subdivision (c) of Section 830.5 who was*
22 *authorized to carry a firearm on duty.*

23 (3) *Any honorably retired federal officer or agent who was*
24 *authorized to, and did, carry firearms in the course and scope of*
25 *their duties, and is authorized to carry firearms pursuant to*
26 *subdivision (i) of Section 12027.*

27 12064. The Department of Justice shall, subject to an
28 appropriation for this purpose in the 2001–02 State Budget,
29 conduct a public information campaign to educate the public
30 regarding the necessity and requirements of a handgun safety
31 license.

32 12065. The provisions of this title are severable. If any
33 provision of this title or its application is held invalid, that
34 invalidity shall not affect other provisions or applications that can
35 be given effect without the invalid provision or application.

36 SEC. 4. Section 12070 of the Penal Code is amended to read:

37 12070. (a) No person shall sell, lease, or transfer firearms
38 unless he or she has been issued a license pursuant to Section
39 12071. Any person violating this section is guilty of a
40 misdemeanor.

1 (b) Subdivision (a) does not include any of the following:

2 (1) The sale, lease, or transfer of any firearm by a person acting
3 pursuant to operation of law, a court order, or pursuant to the
4 Enforcement of Judgments Law (Title 9 (commencing with
5 Section 680.010) of Part 2 of the Code of Civil Procedure), or by
6 a person who liquidates a personal firearm collection to satisfy a
7 court judgment.

8 (2) A person acting pursuant to subdivision (e) of Section
9 186.22a or subdivision (c) of Section 12028.

10 (3) The sale, lease, or transfer of a firearm by a person who
11 obtains title to the firearm by intestate succession or by bequest or
12 as a surviving spouse pursuant to Chapter 1 (commencing with
13 Section 13500) of Part 2 of Division 8 of the Probate Code,
14 provided the person disposes of the firearm within 60 days of
15 receipt of the firearm.

16 (4) The infrequent sale, lease, or transfer of firearms.

17 (5) The sale, lease, or transfer of used firearms other than
18 pistols, revolvers, or other firearms capable of being concealed
19 upon the person, at gun shows or events, as specified in
20 subparagraph (B) of paragraph (1) of subdivision (b) of Section
21 12071, by a person other than a licensee or dealer, provided the
22 person has a valid federal firearms license and a current certificate
23 of eligibility issued by the Department of Justice, as specified in
24 Section 12071, and provided all the sales, leases, or transfers fully
25 comply with subdivision (d) of Section 12072. However, the
26 person shall not engage in the sale, lease, or transfer of used
27 firearms other than pistols, revolvers, or other firearms capable of
28 being concealed upon the person at more than 12 gun shows or
29 events in any calendar year and shall not sell, lease, or transfer
30 more than 15 used firearms other than pistols, revolvers, or other
31 firearms capable of being concealed upon the person at any single
32 gun show or event. In no event shall the person sell more than 75
33 used firearms other than pistols, revolvers, or other firearms
34 capable of being concealed upon the person in any calendar year.

35 A person described in this paragraph shall be known as a “Gun
36 Show Trader.”

37 The Department of Justice shall adopt regulations to administer
38 this program and shall recover the full costs of administration from
39 fees assessed applicants.



1 As used in this paragraph, the term “used firearm” means a
2 firearm that has been sold previously at retail and is more than
3 three years old.

4 (6) The activities of a law enforcement agency pursuant to
5 Section 12084.

6 (7) Deliveries, sales, or transfers of firearms between or to
7 importers and manufacturers of firearms licensed to engage in
8 business pursuant to Chapter 44 (commencing with Section 921)
9 of Title 18 of the United States Code and the regulations issued
10 pursuant thereto.

11 (8) The sale, delivery, or transfer of firearms by manufacturers
12 or importers licensed pursuant to Chapter 44 (commencing with
13 Section 921) of Title 18 of the United States Code and the
14 regulations issued pursuant thereto to dealers or wholesalers.

15 (9) Deliveries and transfers of firearms made pursuant to
16 Section 12028, 12028.5, or 12030.

17 (10) The loan of a firearm for the purposes of shooting at
18 targets, if the loan occurs on the premises of a target facility which
19 holds a business or regulatory license or on the premises of any
20 club or organization organized for the purposes of practicing
21 shooting at targets upon established ranges, whether public or
22 private, if the firearm is at all times kept within the premises of the
23 target range or on the premises of the club or organization.

24 (11) Sales, deliveries, or transfers of firearms by
25 manufacturers, importers, or wholesalers licensed pursuant to
26 Chapter 44 (commencing with Section 921) of Title 18 of the
27 United States Code and the regulations issued pursuant thereto to
28 persons who reside outside this state who are licensed pursuant to
29 Chapter 44 (commencing with Section 921) of Title 18 of the
30 United States Code and the regulations issued pursuant thereto, if
31 the sale, delivery, or transfer is in accordance with Chapter 44
32 (commencing with Section 921) of Title 18 of the United States
33 Code and the regulations issued pursuant thereto.

34 (12) Sales, deliveries, or transfers of firearms by persons who
35 reside outside this state and are licensed outside this state pursuant
36 to Chapter 44 (commencing with Section 921) of Title 18 of the
37 United States Code and the regulations issued pursuant thereto to
38 wholesalers, manufacturers, or importers, if the sale, delivery, or
39 transfer is in accordance with Chapter 44 (commencing with

1 Section 921) of Title 18 of the United States Code and the
2 regulations issued pursuant thereto.

3 (13) Sales, deliveries, or transfers of firearms by wholesalers
4 to dealers.

5 (14) Sales, deliveries, or transfers of firearms by persons who
6 reside outside this state to persons licensed pursuant to Section
7 12071, if the sale, delivery, or transfer is in accordance with
8 Chapter 44 (commencing with Section 921) of Title 18 of the
9 United States Code, and the regulations issued pursuant thereto.

10 (15) Sales, deliveries, or transfers of firearms by persons who
11 reside outside this state and are licensed pursuant to Chapter 44
12 (commencing with Section 921) of Title 18 of the United States
13 Code and the regulations issued pursuant thereto to dealers, if the
14 sale, delivery, or transfer is in accordance with Chapter 44
15 (commencing with Section 921) of Title 18 of the United States
16 Code and the regulations issued pursuant thereto.

17 (16) The delivery, sale, or transfer of an unloaded firearm by
18 one wholesaler to another wholesaler if that firearm is intended as
19 merchandise in the receiving wholesaler's business.

20 (17) The loan of an unloaded firearm or the loan of a firearm
21 loaded with blank cartridges for use solely as a prop for a motion
22 picture, television, or video production or entertainment or
23 theatrical event.

24 (18) The delivery of an unloaded firearm that is a curio or relic,
25 as defined in Section 178.11 of Title 27 of the Code of Federal
26 Regulations, by a person licensed as a collector pursuant to
27 Chapter 44 (commencing with Section 921) of Title 18 of the
28 United States Code and the regulations issued pursuant thereto
29 with a current certificate of eligibility issued pursuant to Section
30 12071 to a dealer.

31 (c) (1) As used in this section, "infrequent" means:

32 (A) For pistols, revolvers, and other firearms capable of being
33 concealed upon the person, less than six transactions per calendar
34 year. For this purpose, "transaction" means a single sale, lease, or
35 transfer of any number of pistols, revolvers, or other firearms
36 capable of being concealed upon the person.

37 (B) For firearms other than pistols, revolvers, or other firearms
38 capable of being concealed upon the person, occasional and
39 without regularity.



(2) As used in this section, “operation of law” includes, but is not limited to, any of the following:

(A) The executor or administrator of an estate, if the estate includes firearms.

(B) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(C) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(D) A receiver performing his or her functions as a receiver, if the receivership estate includes firearms.

(E) A trustee in bankruptcy performing his or her duties, if the bankruptcy estate includes firearms.

(F) An assignee for the benefit of creditors performing his or her functions as an assignee, if the assignment includes firearms.

(G) A transmutation of property between spouses pursuant to Section 850 of the Family Code, provided however, if the firearm is a handgun, the family member taking possession must first obtain a handgun safety license pursuant to Section 12060.

(H) Firearms received by the family of a police officer or deputy sheriff from a local agency pursuant to Section 50081 of the Government Code provided however, if the firearm is a handgun, the family member taking possession must first obtain a handgun safety license pursuant to Section 12060.

(I) The transfer of a firearm by a law enforcement agency to the person who found the firearm where the delivery is to the person as the finder of the firearm pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3 of the Civil Code, provided however, if the firearm is a handgun, the person must first obtain a handgun safety license pursuant to Section 12060.

(d) This section, as amended by the act that added this subdivision, shall become operative July 1, 2002.

SEC. 5. Section 12071 of the Penal Code is amended to read:

12071. (a) (1) As used in this chapter, the term “licensee,” “person licensed pursuant to Section 12071,” or “dealer” means a person who has all of the following:

(A) A valid federal firearms license.

(B) Any regulatory or business license, or licenses, required by local government.

1 (C) A valid seller's permit issued by the State Board of
2 Equalization.

3 (D) A certificate of eligibility issued by the Department of
4 Justice pursuant to paragraph (4).

5 (E) A license issued in the format prescribed by paragraph (6).

6 (F) Is among those recorded in the centralized list specified in
7 subdivision (e).

8 (2) The duly constituted licensing authority of a city, county, or
9 a city and county shall accept applications for, and may grant
10 licenses permitting, licensees to sell firearms at retail within the
11 city, county, or city and county. The duly constituted licensing
12 authority shall inform applicants who are denied licenses of the
13 reasons for the denial in writing.

14 (3) No license shall be granted to any applicant who fails to
15 provide a copy of his or her valid federal firearms license, valid
16 seller's permit issued by the State Board of Equalization, and the
17 certificate of eligibility described in paragraph (4).

18 (4) A person may request a certificate of eligibility from the
19 Department of Justice and the Department of Justice shall issue a
20 certificate to an applicant if the department's records indicate that
21 the applicant is not a person who is prohibited from possessing
22 firearms.

23 (5) The department shall adopt regulations to administer the
24 certificate of eligibility program and shall recover the full costs of
25 administering the program by imposing fees assessed to applicants
26 who apply for those certificates.

27 (6) A license granted by the duly constituted licensing
28 authority of any city, county, or city and county, shall be valid for
29 not more than one year from the date of issuance and shall be in
30 one of the following forms:

31 (A) In the form prescribed by the Attorney General.

32 (B) A regulatory or business license that states on its face
33 "Valid for Retail Sales of Firearms" and is endorsed by the
34 signature of the issuing authority.

35 (C) A letter from the duly constituted licensing authority
36 having primary jurisdiction for the applicant's intended business
37 location stating that the jurisdiction does not require any form of
38 regulatory or business license or does not otherwise restrict or
39 regulate the sale of firearms.

1 (7) Local licensing authorities may assess fees to recover their
2 full costs of processing applications for licenses.

3 (b) A license is subject to forfeiture for a breach of any of the
4 following prohibitions and requirements:

5 (1) (A) Except as provided in subparagraphs (B) and (C), the
6 business shall be conducted only in the buildings designated in the
7 license.

8 (B) A person licensed pursuant to subdivision (a) may take
9 possession of firearms and commence preparation of registers for
10 the sale, delivery, or transfer of firearms at gun shows or events,
11 as defined in Section 178.100 of Title 27 of the Code of Federal
12 Regulations, or its successor, if the gun show or event is not
13 conducted from any motorized or towed vehicle. A person
14 conducting business pursuant to this subparagraph shall be entitled
15 to conduct business as authorized herein at any gun show or event
16 in the state without regard to the jurisdiction within this state that
17 issued the license pursuant to subdivision (a), provided the person
18 complies with (i) all applicable laws, including, but not limited to,
19 the waiting period specified in subparagraph (A) of paragraph (3),
20 and (ii) all applicable local laws, regulations, and fees, if any.

21 A person conducting business pursuant to this subparagraph
22 shall publicly display his or her license issued pursuant to
23 subdivision (a), or a facsimile thereof, at any gun show or event,
24 as specified in this subparagraph.

25 (C) A person licensed pursuant to subdivision (a) may engage
26 in the sale and transfer of firearms other than pistols, revolvers, or
27 other firearms capable of being concealed upon the person, at
28 events specified in subdivision (g) of Section 12078, subject to the
29 prohibitions and restrictions contained in that subdivision.

30 A person licensed pursuant to subdivision (a) also may accept
31 delivery of firearms other than pistols, revolvers, or other firearms
32 capable of being concealed upon the person, outside the building
33 designated in the license, provided the firearm is being donated for
34 the purpose of sale or transfer at an auction or similar event
35 specified in subdivision (g) of Section 12078.

36 (D) The firearm may be delivered to the purchaser, transferee,
37 or person being loaned the firearm at one of the following places:

38 (i) The building designated in the license.

39 (ii) The places specified in subparagraph (B) or (C).

1 (iii) The place of residence of, the fixed place of business of,
2 or on private property owned or lawfully possessed by, the
3 purchaser, transferee, or person being loaned the firearm.

4 (2) The license or a copy thereof, certified by the issuing
5 authority, shall be displayed on the premises where it can easily be
6 seen.

7 (3) No firearm shall be delivered:

8 (A) Within 10 days of the application to purchase, or, after
9 notice by the department pursuant to subdivision (d) of Section
10 12076, within 10 days of the submission to the department of any
11 correction to the application, or within 10 days of the submission
12 to the department of any fee required pursuant to subdivision (e)
13 of Section 12076, whichever is later.

14 (B) Unless unloaded and securely wrapped or unloaded and in
15 a locked container.

16 (C) Unless the purchaser, transferee, or person being loaned the
17 firearm presents clear evidence of his or her identity and age to the
18 dealer.

19 (D) Whenever the dealer is notified by the Department of
20 Justice that the person is in a prohibited class described in Section
21 12021 or 12021.1 of this code or Section 8100 or 8103 of the
22 Welfare and Institutions Code.

23 (4) No pistol, revolver, or other firearm or imitation thereof
24 capable of being concealed upon the person, or placard advertising
25 the sale or other transfer thereof, shall be displayed in any part of
26 the premises where it can readily be seen from the outside.

27 (5) The licensee shall agree to and shall act properly and
28 promptly in processing firearms transactions pursuant to Section
29 12082.

30 (6) The licensee shall comply with Sections 12073, 12076, and
31 12077, subdivisions (a) and (b) of Section 12072, and subdivision
32 (a) of Section 12316.

33 (7) The licensee shall post conspicuously within the licensed
34 premises the following warnings in block letters not less than one
35 inch in height:

36 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
37 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
38 A PERSON UNDER 16 YEARS OF AGE OBTAINS IT AND
39 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
40 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A



1 MISDEMEANOR OR A FELONY UNLESS YOU STORED
2 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
3 THE FIREARM WITH A LOCKING DEVICE TO KEEP IT
4 FROM TEMPORARILY FUNCTIONING.”

5 (B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
6 FIREARM CAPABLE OF BEING CONCEALED UPON THE
7 PERSON, WITHIN ANY PREMISES UNDER YOUR
8 CUSTODY OR CONTROL, AND A PERSON UNDER 16
9 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND
10 CARRIES IT OFF-PREMISES, OR YOU ARE A PARENT OR
11 LEGAL GUARDIAN, WHO KNOWS OR REASONABLY
12 SHOULD KNOW THAT YOUR CHILD UNDER 16 YEARS OF
13 AGE HAS GAINED ACCESS TO A FIREARM, AND THE
14 CHILD CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY
15 OF A MISDEMEANOR UNLESS YOU STORED THE
16 FIREARM IN A LOCKED CONTAINER, OR LOCKED THE
17 FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM
18 TEMPORARILY FUNCTIONING.”

19 (C) “DISCHARGING FIREARMS IN POORLY
20 VENTILATED AREAS, CLEANING FIREARMS, OR
21 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
22 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
23 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS
24 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT
25 ALL TIMES. WASH HANDS THOROUGHLY AFTER
26 EXPOSURE.”

27 (D) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
28 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
29 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
30 DAYS AFTER YOU COMPLETE THE INITIAL
31 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
32 TO GO THROUGH THE BACKGROUND CHECK PROCESS
33 A SECOND TIME IN ORDER TO TAKE PHYSICAL
34 POSSESSION OF THAT FIREARM.”

35 (E) “NO PERSON SHALL MAKE AN APPLICATION TO
36 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
37 OTHER FIREARM CAPABLE OF BEING CONCEALED
38 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
39 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
40 HAS MADE AN APPLICATION TO PURCHASE MORE

1 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM
2 CAPABLE OF BEING CONCEALED UPON THE PERSON
3 WITHIN ANY 30-DAY PERIOD.”

4 (8) No handgun shall be transferred, sold, or loaned to any
5 individual unless the person receiving the firearm has a valid
6 handgun safety license pursuant to Section 12060. The individual
7 must present the original handgun safety license to the dealer.

8 (9) Commencing July 1, 1992, the licensee shall offer to
9 provide the purchaser or transferee of a firearm, or person being
10 loaned a firearm, with a copy of the pamphlet described in Section
11 12080 and may add the cost of the pamphlet, if any, to the sales
12 price of the firearm.

13 (10) The licensee shall not commit an act of collusion as
14 defined in Section 12072.

15 (11) The licensee shall post conspicuously within the licensed
16 premises a detailed list of each of the following:

17 (A) All charges required by governmental agencies for
18 processing firearm transfers required by Sections 12076, 12082,
19 and 12806.

20 (B) All fees that the licensee charges pursuant to Sections
21 12082 and 12806.

22 (12) The licensee shall not misstate the amount of fees charged
23 by a governmental agency pursuant to Sections 12076, 12082, and
24 12806.

25 (13) The licensee shall report the loss or theft of any firearm
26 that is merchandise of the licensee, any firearm that the licensee
27 takes possession of pursuant to Section 12082, or any firearm kept
28 at the licensee’s place of business within 48 hours of discovery to
29 the appropriate law enforcement agency in the city, county, or city
30 and county where the licensee’s business premises are located.

31 (14) In a city and county, or in the unincorporated area of a
32 county with a population of 200,000 persons or more according to
33 the most recent federal decennial census or within a city with a
34 population of 50,000 persons or more according to the most recent
35 federal decennial census, any time the licensee is not open for
36 business, the licensee shall store all firearms kept in his or her
37 licensed place of business using one of the following methods as
38 to each particular firearm:

39 (A) Store the firearm in a secure facility that is a part of, or that
40 constitutes, the licensee’s business premises.

1 (B) Secure the firearm with a hardened steel rod or cable of at
2 least one-eighth inch in diameter through the trigger guard of the
3 firearm. The steel rod or cable shall be secured with a hardened
4 steel lock that has a shackle. The lock and shackle shall be
5 protected or shielded from the use of a bolt cutter and the rod or
6 cable shall be anchored in a manner that prevents the removal of
7 the firearm from the premises.

8 (C) Store the firearm in a locked fireproof safe or vault in the
9 licensee's business premises.

10 (15) The licensing authority in an unincorporated area of a
11 county with a population less than 200,000 persons according to
12 the most recent federal decennial census or within a city with a
13 population of less than 50,000 persons according to the most recent
14 federal decennial census may impose the requirements specified
15 in paragraph (14).

16 (16) Commencing January 1, 1994, the licensee shall, upon the
17 issuance or renewal of a license, submit a copy of the same to the
18 Department of Justice.

19 (17) The licensee shall maintain and make available for
20 inspection during business hours to any peace officer, authorized
21 local law enforcement employee, or Department of Justice
22 employee designated by the Attorney General, upon the
23 presentation of proper identification, a firearms transaction
24 record.

25 (18) (A) On the date of receipt, the licensee shall report to the
26 Department of Justice in a format prescribed by the department the
27 acquisition by the licensee of the ownership of a pistol, revolver,
28 or other firearm capable of being concealed upon the person.

29 (B) The provisions of this paragraph shall not apply to any of
30 the following transactions:

31 (i) A transaction subject to the provisions of subdivision (n) of
32 Section 12078.

33 (ii) The dealer acquired the firearm from a wholesaler.

34 (iii) The dealer is also licensed as a secondhand dealer pursuant
35 to Article 4 (commencing with Section 21625) of Chapter 9 of
36 Division 8 of the Business and Professions Code.

37 (iv) The dealer acquired the firearm from a person who is
38 licensed as a manufacturer or importer to engage in those activities
39 pursuant to Chapter 44 (commencing with Section 921) of Title 18

1 of the United States Code and any regulations issued pursuant
2 thereto.

3 (v) The dealer acquired the firearm from a person who resides
4 outside this state who is licensed pursuant to Chapter 44
5 (commencing with Section 921) of Title 18 of the United States
6 Code and any regulations issued pursuant thereto.

7 (19) The licensee shall forward in a format prescribed by the
8 Department of Justice, information as required by the department
9 on any firearm that is not delivered within the time period set forth
10 in Section 178.102 (c) of Title 27 of the Code of Federal
11 Regulations.

12 (c) (1) As used in this article, “clear evidence of his or her
13 identity and age” means either of the following:

14 (A) A valid California driver’s license.

15 (B) A valid California identification card issued by the
16 Department of Motor Vehicles.

17 (2) As used in this section, a “secure facility” means a building
18 that meets all of the following specifications:

19 (A) All perimeter doorways shall meet one of the following:

20 (i) A windowless steel security door equipped with both a dead
21 bolt and a doorknob lock.

22 (ii) A windowed metal door that is equipped with both a dead
23 bolt and a doorknob lock. If the window has an opening of five
24 inches or more measured in any direction, the window shall be
25 covered with steel bars of at least one-half inch diameter or metal
26 grating of at least nine gauge affixed to the exterior or interior of
27 the door.

28 (iii) A metal grate that is padlocked and affixed to the licensee’s
29 premises independent of the door and doorframe.

30 (B) All windows are covered with steel bars.

31 (C) Heating, ventilating, air-conditioning, and service
32 openings are secured with steel bars, metal grating, or an alarm
33 system.

34 (D) Any metal grates have spaces no larger than six inches wide
35 measured in any direction.

36 (E) Any metal screens have spaces no larger than three inches
37 wide measured in any direction.

38 (F) All steel bars shall be no further than six inches apart.



(3) As used in this section, “licensed premises,” “licensed place of business,” “licensee’s place of business,” or “licensee’s business premises” means the building designated in the license.

(4) For purposes of paragraph (17) of subdivision (b):

(A) A “firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section 178.124, Section 178.124a, and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 178.124a and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 178.124 of Title 27 of the Code of Federal Regulations.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(e) Except as otherwise provided in this subdivision, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a). The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer’s business is located. The department shall make information about an individual dealer available, upon request, for one of the following purposes only:

(1) For law enforcement purposes.

(2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(3) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to Section 12071.1, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subparagraph (B) of paragraph (1) of subdivision (b). Information provided pursuant to this paragraph shall be limited to information necessary to corroborate an individual's current license status.

(f) The Department of Justice may inspect dealers to ensure compliance with this article. The department may assess an annual fee, not to exceed eighty-five dollars (\$85), to cover the reasonable cost of maintaining the list described in subdivision (e), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(g) The Department of Justice shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (f), a listing of exempted jurisdictions, as defined in subdivision (f), the number of dealers removed from the centralized list defined in subdivision (e), and the number of dealers found to have violated this article with knowledge or gross negligence.

(h) Paragraph (14) or (15) of subdivision (b) shall not apply to a licensee organized as a nonprofit public benefit or mutual benefit corporation organized pursuant to Part 2 (commencing with Section 5110) or Part 3 (commencing with Section 7110) of Division 2 of the Corporations Code, if both of the following conditions are satisfied:

(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to

1 fund the activities of that corporation or the local chapters of the
2 corporation.

3 (2) The firearms are not pistols, revolvers, or other firearms
4 capable of being concealed upon the person.

5 SEC. 6. Section 12072 of the Penal Code is amended to read:

6 12072. (a) (1) No person, corporation, or firm shall
7 knowingly supply, deliver, sell, or give possession or control of a
8 firearm to any person within any of the classes prohibited by
9 Section 12021 or 12021.1.

10 (2) No person, corporation, or dealer shall sell, supply, deliver,
11 or give possession or control of a firearm to any person whom he
12 or she has cause to believe to be within any of the classes prohibited
13 by Section 12021 or 12021.1 of this code or Section 8100 or 8103
14 of the Welfare and Institutions Code.

15 (3) (A) No person, corporation, or firm shall sell, loan, or
16 transfer a firearm to a minor, nor a handgun to an individual aged
17 18, 19, or 20 years.

18 (B) Subparagraph (A) shall not apply to or affect those
19 circumstances set forth in subdivision (p) of Section 12078.

20 (4) No person, corporation, or dealer shall sell, loan, or transfer
21 a firearm to any person whom he or she knows or has cause to
22 believe is not the actual purchaser or transferee of the firearm, or
23 to any person who is not the person actually being loaned the
24 firearm, if the person, corporation, or dealer has either of the
25 following:

26 (A) Knowledge that the firearm is to be subsequently loaned,
27 sold, or transferred to avoid the provisions of subdivision (c) or
28 (d).

29 (B) Knowledge that the firearm is to be subsequently loaned,
30 sold, or transferred to avoid the requirements of any exemption to
31 the provisions of subdivision (c) or (d).

32 (5) No person, corporation, or dealer shall acquire a firearm for
33 the purpose of selling, transferring, or loaning the firearm, if the
34 person, corporation, or dealer has either of the following:

35 (A) In the case of a dealer, intent to violate subdivision (b) or
36 (c).

37 (B) In any other case, intent to avoid either of the following:

38 (i) The provisions of subdivision (d).

39 (ii) The requirements of any exemption to the provisions of
40 subdivision (d).

1 (6) The dealer shall comply with the provisions of paragraph
2 (18) of subdivision (b) of Section 12071.

3 (7) The dealer shall comply with the provisions of paragraph
4 (19) of subdivision (b) of Section 12071.

5 (8) No person shall sell or otherwise transfer his or her
6 ownership in a pistol, revolver, or other firearm capable of being
7 concealed upon the person unless the firearm bears either:

8 (A) The name of the manufacturer, the manufacturer's make or
9 model, and a manufacturer's serial number assigned to that
10 firearm.

11 (B) The identification number or mark assigned to the firearm
12 by the Department of Justice pursuant to Section 12092.

13 (9) (A) No person shall make an application to purchase more
14 than one pistol, revolver, or other firearm capable of being
15 concealed upon the person within any 30-day period.

16 (B) Subparagraph (A) shall not apply to any of the following:

17 (i) Any law enforcement agency.

18 (ii) Any agency duly authorized to perform law enforcement
19 duties.

20 (iii) Any state or local correctional facility.

21 (iv) Any private security company licensed to do business in
22 California.

23 (v) Any person who is properly identified as a full-time paid
24 peace officer, as defined in Chapter 4.5 (commencing with Section
25 830) of Title 3 of Part 2, and who is authorized to, and does carry
26 a firearm during the course and scope of his or her employment as
27 a peace officer.

28 (vi) Any motion picture, television, or video production
29 company or entertainment or theatrical company whose
30 production by its nature involves the use of a firearm.

31 (vii) Any person who may, pursuant to Section 12078, claim an
32 exemption from the waiting period set forth in subdivision (c) of
33 this section.

34 (viii) Any transaction conducted through a licensed dealer
35 pursuant to Section 12082.

36 (ix) Any transaction conducted through a law enforcement
37 agency pursuant to Section 12084.

38 (x) Any person who is licensed as a collector pursuant to
39 Chapter 44 (commencing with Section 921) of Title 18 of the
40 United States Code and the regulations issued pursuant thereto and

1 who has a current certificate of eligibility issued to him or her by
2 the Department of Justice pursuant to Section 12071.

3 (xi) The exchange of a pistol, revolver, or other firearm capable
4 of being concealed upon the person where the dealer purchased
5 that firearm from the person seeking the exchange within the
6 30-day period immediately preceding the date of exchange or
7 replacement.

8 (xii) The replacement of a pistol, revolver, or other firearm
9 capable of being concealed upon the person when the person's
10 pistol, revolver, or other firearm capable of being concealed upon
11 the person was lost or stolen, and the person reported that firearm
12 lost or stolen prior to the completion of the application to purchase
13 to any local law enforcement agency of the city, county, or city and
14 county in which he or she resides.

15 (xiii) The return of any pistol, revolver, or other firearm
16 capable of being concealed upon the person to its owner.

17 (b) No person licensed under Section 12071 shall supply, sell,
18 deliver, or give possession or control of a pistol, revolver, or
19 firearm capable of being concealed upon the person to any person
20 under the age of 21 years or any other firearm to a person under
21 the age of 18 years.

22 (c) No dealer, whether or not acting pursuant to Section 12082,
23 shall deliver a firearm to a person, as follows:

24 (1) Within 10 days of the application to purchase, or, after
25 notice by the department pursuant to subdivision (d) of Section
26 12076, within 10 days of the submission to the department of any
27 correction to the application, or within 10 days of the submission
28 to the department of any fee required pursuant to subdivision (e)
29 of Section 12076, whichever is later.

30 (2) Unless unloaded and securely wrapped or unloaded and in
31 a locked container.

32 (3) Unless the purchaser, transferee, or person being loaned the
33 firearm presents clear evidence of his or her identity and age, as
34 defined in Section 12071, to the dealer.

35 (4) Whenever the dealer is notified by the Department of
36 Justice that the person is in a prohibited class described in Section
37 12021 or 12021.1 of this code or Section 8100 or 8103 of the
38 Welfare and Institutions Code.

39 (5) (A) Commencing April 1, 1994, no pistol, revolver, or
40 other firearm capable of being concealed upon the person shall be

1 delivered unless the purchaser, transferee, or person being loaned
2 the firearm presents to the dealer a basic firearms safety certificate.

3 (B) Commencing July 1, 2002, no pistol, revolver, or other
4 firearm capable of being concealed upon the person shall be
5 delivered unless the purchaser, transferee, or person being loaned
6 the firearm presents a handgun safety license to the dealer.

7 (6) No pistol, revolver, or other firearm capable of being
8 concealed upon the person shall be delivered whenever the dealer
9 is notified by the Department of Justice that within the preceding
10 30-day period the purchaser has made another application to
11 purchase a pistol, revolver, or other firearm capable of being
12 concealed upon the person and that the previous application to
13 purchase involved none of the entities specified in subparagraph
14 (B) of paragraph (9) of subdivision (a).

15 (d) Where neither party to the transaction holds a dealer's
16 license issued pursuant to Section 12071, the parties to the
17 transaction shall complete the sale, loan, or transfer of that firearm
18 through either of the following:

19 (1) A licensed dealer pursuant to Section 12082.

20 (2) A law enforcement agency pursuant to Section 12084.

21 (e) Until July 1, 2002, no person may commit an act of
22 collusion relating to Article 8 (commencing with Section 12800)
23 of Chapter 6. Commencing July 1, 2002, no person may commit
24 an act of collusion relating to obtaining a handgun safety license
25 pursuant to Section 12060. For purposes of this section and
26 Section 12071, collusion may be proven by any one of the
27 following factors:

28 (1) Answering a test applicant's questions during an objective
29 test relating to basic firearms safety.

30 (2) Knowingly grading the examination falsely.

31 (3) Providing an advance copy of the test to an applicant.

32 (4) Taking or allowing another person to take the basic firearms
33 safety course for one who is the applicant for the basic firearms
34 safety certificate or a handgun safety license.

35 (5) Allowing another to take the objective test for the applicant,
36 purchaser, or transferee.

37 (6) Allowing others to give unauthorized assistance during the
38 examination.

39 (7) Reference to unauthorized materials during the
40 examination and cheating by the applicant.

1 (8) Until July 1, 2002, providing originals or photocopies of
2 the objective test, or any version thereof, to any person other than
3 as specified in subdivision (f) of Section 12805.

4 (f) (1) No person who is licensed pursuant to Chapter 44
5 (commencing with Section 921) of Title 18 of the United States
6 Code shall deliver, sell, or transfer a firearm to a person who is
7 licensed pursuant to Chapter 44 (commencing with Section 921)
8 of Title 18 of the United States Code and whose licensed premises
9 are located in this state unless one of the following conditions is
10 met:

11 (A) The person presents proof of licensure pursuant to Section
12 12071 to that person.

13 (B) The person presents proof that he or she is exempt from
14 licensure under Section 12071 to that person, in which case the
15 person also shall present proof that the transaction is also exempt
16 from the provisions of subdivision (d).

17 (2) (A) On or after January 1, 1998, within 60 days of bringing
18 a pistol, revolver, or other firearm capable of being concealed upon
19 the person into this state, a personal handgun importer shall do one
20 of the following:

21 (i) Forward by prepaid mail or deliver in person to the
22 Department of Justice, a report prescribed by the department
23 including information concerning that individual and a description
24 of the firearm in question.

25 (ii) Sell or transfer the firearm in accordance with the
26 provisions of subdivision (d) or in accordance with the provisions
27 of an exemption from subdivision (d).

28 (iii) Sell or transfer the firearm to a dealer licensed pursuant to
29 Section 12071.

30 (iv) Sell or transfer the firearm to a sheriff or police
31 department.

32 (B) If the personal handgun importer sells or transfers the
33 pistol, revolver, or other firearm capable of being concealed upon
34 the person pursuant to subdivision (d) of Section 12072 and the
35 sale or transfer cannot be completed by the dealer to the purchaser
36 or transferee, and the firearm can be returned to the personal
37 handgun importer, the personal handgun importer shall have
38 complied with the provisions of this paragraph.

39 (C) The provisions of this paragraph are cumulative and shall
40 not be construed as restricting the application of any other law.

1 However, an act or omission punishable in different ways by this
2 section and different provisions of the Penal Code shall not be
3 punished under more than one provision.

4 (D) (i) On and after January 1, 1998, the department shall
5 conduct a public education and notification program regarding this
6 paragraph and Section 12060 to ensure a high degree of publicity
7 of the provisions of this paragraph.

8 (ii) As part of the public education and notification program
9 described in this subparagraph, the department shall do all of the
10 following:

11 (I) Work in conjunction with the Department of Motor Vehicles
12 to ensure that any person who is subject to this paragraph is advised
13 of the provisions of this paragraph, and provided with blank copies
14 of the report described in clause (i) of subparagraph (A) at the time
15 that person applies for a California driver's license or registers his
16 or her motor vehicle in accordance with the Vehicle Code.

17 (II) Make the reports referred to in clause (i) of subparagraph
18 (A) available to dealers licensed pursuant to Section 12071.

19 (III) Make the reports referred to in clause (i) of subparagraph
20 (A) available to law enforcement agencies.

21 (IV) Make persons subject to the provisions of this paragraph
22 aware of the fact that reports referred to in clause (i) of
23 subparagraph (A) may be completed at either the licensed
24 premises of dealers licensed pursuant to Section 12071 or at law
25 enforcement agencies, that it is advisable to do so for the sake of
26 accuracy and completeness of the reports, that prior to transporting
27 a pistol, revolver, or other firearm capable of being concealed upon
28 the person to a law enforcement agency in order to comply with
29 subparagraph (A), the person should give prior notice to the law
30 enforcement agency that he or she is doing so, and that in any
31 event, the pistol, revolver, or other firearm capable of being
32 concealed upon the person should be transported unloaded and in
33 a locked container.

34 (iii) Any costs incurred by the department to implement this
35 paragraph shall be absorbed by the department within its existing
36 budget and the fees in the Dealers' Record of Sale Special Account
37 allocated for implementation of this subparagraph pursuant to
38 Section 12076.

39 (3) Where a person who is licensed as a collector pursuant to
40 Chapter 44 (commencing with Section 921) of Title 18 of the

United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, acquires a pistol, revolver, or other firearm capable of being concealed upon the person that is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations, outside of this state, takes actual possession of that firearm outside of this state pursuant to the provisions of subsection (j) of Section 923 of Title 18 of the United States Code, as amended by Public Law 104-208, and transports that firearm into this state, within five days of that licensed collector transporting that firearm into this state, he or she shall report to the department in a format prescribed by the department his or her acquisition of that firearm.

(4) (A) It is the intent of the Legislature that a violation of paragraph (2) or (3) shall not constitute a “continuing offense” and the statute of limitations for commencing a prosecution for a violation of paragraph (2) or (3) commences on the date that the applicable grace period specified in paragraph (2) or (3) expires.

(B) Paragraphs (2) and (3) shall not apply to a person who reports his or her ownership of a pistol, revolver, or other firearm capable of being concealed upon the person after the applicable grace period specified in paragraph (2) or (3) expires if evidence of that violation arises only as the result of the person submitting the report described in paragraph (2) or (3).

(g) (1) Except as provided in paragraph (2), (3), or (5), a violation of this section is a misdemeanor.

(2) If any of the following circumstances apply, a violation of this section is punishable by imprisonment in the state prison for two, three, or four years.

(A) If the violation is of paragraph (1) of subdivision (a).

(B) If the defendant has a prior conviction of violating the provisions, other than paragraph (9) of subdivision (a), of this section or former Section 12100 of this code or Section 8101 of the Welfare and Institutions Code.

(C) If the defendant has a prior conviction of violating any offense specified in subdivision (b) of Section 12021.1 or of a violation of Section 12020, 12220, or 12520, or of former Section 12560.

(D) If the defendant is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

1 (E) A violation of this section by a person who actively
2 participates in a “criminal street gang” as defined in Section
3 186.22.

4 (F) A violation of subdivision (b) involving the delivery of any
5 firearm to a person who the dealer knows, or should know, is a
6 minor.

7 (3) If any of the following circumstances apply, a violation of
8 this section shall be punished by imprisonment in a county jail not
9 exceeding one year or in the state prison, or by a fine not to exceed
10 one thousand dollars (\$1,000), or by both the fine and
11 imprisonment.

12 (A) A violation of paragraph (2), (4), or (5), of subdivision (a).

13 (B) A violation of paragraph (3) of subdivision (a) involving
14 the sale, loan, or transfer of a pistol, revolver, or other firearm
15 capable of being concealed upon the person to a minor.

16 (C) A violation of subdivision (b) involving the delivery of a
17 pistol, revolver, or other firearm capable of being concealed upon
18 the person.

19 (D) A violation of paragraph (1), (3), (4), (5), or (6) of
20 subdivision (c) involving a pistol, revolver, or other firearm
21 capable of being concealed upon the person.

22 (E) A violation of subdivision (d) involving a pistol, revolver,
23 or other firearm capable of being concealed upon the person.

24 (F) A violation of subdivision (e).

25 (4) If both of the following circumstances apply, an additional
26 term of imprisonment in the state prison for one, two, or three years
27 shall be imposed in addition and consecutive to the sentence
28 prescribed.

29 (A) A violation of paragraph (2) of subdivision (a) or
30 subdivision (b).

31 (B) The firearm transferred in violation of paragraph (2) of
32 subdivision (a) or subdivision (b) is used in the subsequent
33 commission of a felony for which a conviction is obtained and the
34 prescribed sentence is imposed.

35 (5) (A) A first violation of paragraph (9) of subdivision (a) is
36 an infraction punishable by a fine of fifty dollars (\$50).

37 (B) A second violation of paragraph (9) of subdivision (a) is an
38 infraction punishable by a fine of one hundred dollars (\$100).

39 (C) A third or subsequent violation of paragraph (9) of
40 subdivision (a) is a misdemeanor.

(D) For purposes of this paragraph each application to purchase a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (9) of subdivision (a) shall be deemed a separate offense.

SEC. 7. Section 12078 of the Penal Code is amended to read:

12078. (a) (1) The waiting periods described in Sections 12071, 12072, and 12084 shall not apply to deliveries, transfers, or sales of firearms made to persons properly identified as full-time paid peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, provided that the peace officers are authorized by their employer to carry firearms while in the performance of their duties. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of his or her duties, and authorizing the purchase or transfer. The certification shall be delivered to the dealer or local law enforcement agency acting pursuant to Section 12084 at the time of purchase or transfer and the purchaser or transferee shall identify himself or herself as the person authorized in the certification. The dealer or local law enforcement agency shall keep the certification with the record of sale, or LEFT, as the case may be. On the date that the delivery, sale, or transfer is made, the dealer delivering the firearm or the law enforcement agency processing the transaction pursuant to Section 12084 shall forward by prepaid mail to the Department of Justice a report of the transaction pursuant to subdivision (b) or (c) of Section 12077 or Section 12084. If electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12077.

(2) The preceding provisions of this article do not apply to deliveries, transfers, or sales of firearms made to authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those governmental agencies if, prior to the delivery, transfer, or sale of these firearms, written authorization from the head of the agency

1 authorizing the transaction is presented to the person from whom
2 the purchase, delivery, or transfer is being made. Proper written
3 authorization is defined as verifiable written certification from the
4 head of the agency by which the purchaser or transferee is
5 employed, identifying the employee as an individual authorized to
6 conduct the transaction, and authorizing the transaction for the
7 exclusive use of the agency by which he or she is employed. Within
8 10 days of the date a pistol, revolver, or other firearm capable of
9 being concealed upon the person is acquired by the agency, a
10 record of the same shall be entered as an institutional weapon into
11 the Automated Firearms System (AFS) via the California Law
12 Enforcement Telecommunications System (CLETS) by the law
13 enforcement or state agency. Those agencies without access to
14 AFS shall arrange with the sheriff of the county in which the
15 agency is located to input this information via this system.

16 (3) The preceding provisions of this article do not apply to the
17 loan of a firearm made by an authorized law enforcement
18 representative of a city, county, or city and county, or the state or
19 federal government to a peace officer employed by that agency and
20 authorized to carry a firearm for the carrying and use of that
21 firearm by that peace officer in the course and scope of his or her
22 duties.

23 (4) The preceding provisions of this article do not apply to the
24 delivery, sale, or transfer of a firearm by a law enforcement agency
25 to a peace officer pursuant to Section 10334 of the Public Contract
26 Code. Within 10 days of the date that a pistol, revolver, or other
27 firearm capable of being concealed upon the person is sold,
28 delivered, or transferred pursuant to Section 10334 of the Public
29 Contract Code to that peace officer, the name of the officer and the
30 make, model, serial number, and other identifying characteristics
31 of the firearm being sold, transferred, or delivered shall be entered
32 into the Automated Firearms System (AFS) via the California Law
33 Enforcement Telecommunications System (CLETS) by the law
34 enforcement or state agency that sold, transferred, or delivered the
35 firearm. Those agencies without access to AFS shall arrange with
36 the sheriff of the county in which the agency is located to input this
37 information via this system.

38 (5) The preceding provisions of this article do not apply to the
39 delivery, sale, or transfer of a firearm by a law enforcement agency
40 to a retiring peace officer who is authorized to carry a firearm



pursuant to Section 12027.1. Within 10 days of the date that a pistol, revolver, or other firearm capable of being concealed upon the person is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, transferred, or delivered shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, transferred, or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

(6) Subdivision (d) of Section 12072 does not apply to sales, deliveries, or transfers of firearms to authorized representatives of cities, cities and counties, counties, or state or federal governments for those governmental agencies where the entity is acquiring the weapon as part of an authorized, voluntary program where the entity is buying or receiving weapons from private individuals. Any weapons acquired pursuant to this subdivision shall be disposed of pursuant to the applicable provisions of Section 12028 or 12032.

(b) Section 12071 and subdivisions (c) and (d) of Section 12072 shall not apply to deliveries, sales, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(c) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent transfer of a firearm that is not a pistol, revolver, or other firearm capable of being concealed upon the person by gift, bequest, intestate succession, or other means by one individual to another if both individuals are members of the same immediate family.

(2) Subdivision (d) of Section 12072 shall not apply to the infrequent transfer of a pistol, revolver, or other firearm capable of being concealed upon the person by gift, bequest, intestate succession, or other means by one individual to another if both individuals are members of the same immediate family and both of the following conditions are met:

1 (A) The person to whom the firearm is transferred shall, within
2 30 days of taking possession of the firearm, forward by prepaid
3 mail or deliver in person to the Department of Justice, a report that
4 includes information concerning the individual taking possession
5 of the firearm, how title was obtained and from whom, and a
6 description of the firearm in question. The report forms that
7 individuals complete pursuant to this paragraph shall be provided
8 to them by the Department of Justice.

9 (B) Prior to taking possession of the firearm, the person taking
10 title to the firearm shall obtain a basic firearm safety certificate or,
11 commencing July 1, 2002, a handgun safety license.

12 (3) As used in this subdivision, “immediate family member”
13 means any one of the following relationships:

14 (A) Parent and child.

15 (B) Grandparent and grandchild.

16 (d) Subdivision (d) of Section 12072 shall not apply to the
17 infrequent loan of firearms between persons who are personally
18 known to each other for any lawful purpose, if the loan does not
19 exceed 30 days in duration, and when the firearm is a handgun,
20 provided however, that the individual being loaned the handgun
21 has a valid handgun safety license pursuant to Section 12060.

22 (e) Section 12071 and subdivisions (c) and (d) of Section
23 12072 shall not apply to the delivery of a firearm to a gunsmith for
24 service or repair.

25 (f) Subdivision (b) of Section 12060 and subdivision (d) of
26 Section 12072 shall not apply to the sale, delivery, or transfer of
27 firearms by persons who reside in this state to persons who reside
28 outside this state who are licensed pursuant to Chapter 44
29 (commencing with Section 921) of Title 18 of the United States
30 Code and the regulations issued pursuant thereto, if the sale,
31 delivery, or transfer is in accordance with Chapter 44
32 (commencing with Section 921) of Title 18 of the United States
33 Code and the regulations issued pursuant thereto.

34 (g) (1) ~~Subdivision (b) of Section 12060 and subdivision (d)~~
35 of Section 12072 shall not apply to the infrequent sale or transfer
36 of a firearm, other than a pistol, revolver, or other firearm capable
37 of being concealed upon the person, at auctions or similar events
38 conducted by nonprofit mutual or public benefit corporations
39 organized pursuant to the Corporations Code.

As used in this paragraph, the term “infrequent” shall not be construed to prohibit different local chapters of the same nonprofit corporation from conducting auctions or similar events, provided the individual local chapter conducts the auctions or similar events infrequently. It is the intent of the Legislature that different local chapters, representing different localities, be entitled to invoke the exemption created by this paragraph, notwithstanding the frequency with which other chapters of the same nonprofit corporation may conduct auctions or similar events.

(2) Subdivision (d) of Section 12072 shall not apply to the transfer of a firearm other than a pistol, revolver, or other firearm capable of being concealed upon the person, if the firearm is donated for an auction or similar event described in paragraph (1) and the firearm is delivered to the nonprofit corporation immediately preceding, or contemporaneous with, the auction or similar event.

(3) The waiting period described in Sections 12071 and 12072 shall not apply to a dealer who delivers a firearm other than a pistol, revolver, or other firearm capable of being concealed upon the person, at an auction or similar event described in paragraph (1), as authorized by subparagraph (C) of paragraph (1) of subdivision (b) of Section 12071. Within two business days of completion of the application to purchase, the dealer shall forward by prepaid mail to the Department of Justice a report of the same as is indicated in subdivision (c) of Section 12077. If the electronic or telephonic transfer of applicant information is used, within two business days of completion of the application to purchase, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the same as is indicated in subdivision (c) of Section 12077.

(h) Subdivision (b) of Section 12060 and subdivision (d) of Section 12072 shall not apply to the loan of a firearm for the purposes of shooting at targets if the loan occurs on the premises of a target facility that holds a business or regulatory license or on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

(i) (1) Subdivision (d) of Section 12072 shall not apply to a person who takes title or possession of a firearm that is not a pistol, revolver, or other firearm capable of being concealed upon the person by operation of law if the person is not prohibited by Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms.

(2) Subdivision (b) of Section 12060 and subdivision (d) of Section 12072 shall not apply to a person who takes title or possession of a pistol, revolver, or other firearm capable of being concealed upon the person by operation of law if the person is not prohibited by Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms, provided the person receiving the firearm has a valid handgun safety license pursuant to Section 12060, and all of the following conditions are met:

(A) If the person taking title or possession is neither a levying officer as defined in Section 481.140, 511.060, or 680.210 of the Code of Civil Procedure, nor a person who is receiving that firearm pursuant to subparagraph (G), (I), or (J) of paragraph (2) of subdivision (u), the person shall, within 30 days of taking possession, forward by prepaid mail or deliver in person to the Department of Justice, a report of information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this paragraph shall be provided to them by the department.

(B) If the person taking title or possession is receiving the firearm pursuant to subparagraph (G) of paragraph (2) of subdivision (u), the person shall do both of the following:

(i) Within 30 days of taking possession, forward by prepaid mail or deliver in person to the department, a report of information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this paragraph shall be provided to them by the department.

(ii) Prior to taking possession of the firearm, the person shall either obtain a basic firearms safety certificate or be exempt from obtaining a basic firearms safety certificate pursuant to Section

1 12081 or, commencing July 1, 2002, obtain a handgun safety
2 license.

3 (C) Where the person receiving title or possession of the pistol,
4 revolver, or other firearm capable of being concealed upon the
5 person is a person described in subparagraph (I) of paragraph (2)
6 of subdivision (u), on the date that the person is delivered the
7 firearm, the name and other information concerning the person
8 taking possession of the firearm, how title or possession of the
9 firearm was obtained and from whom, and a description of the
10 firearm by make, model, serial number, and other identifying
11 characteristics, shall be entered into the Automated Firearms
12 System (AFS) via the California Law Enforcement
13 Telecommunications System (CLETS) by the law enforcement or
14 state agency that transferred or delivered the firearm. Those
15 agencies without access to AFS shall arrange with the sheriff of the
16 county in which the agency is located to input this information via
17 this system.

18 (D) Where the person receiving title or possession of the pistol,
19 revolver, or other firearm capable of being concealed upon the
20 person is a person described in subparagraph (J) of paragraph (2)
21 of subdivision (u), on the date that the person is delivered the
22 firearm, the name and other information concerning the person
23 taking possession of the firearm, how title or possession of the
24 firearm was obtained and from whom, and a description of the
25 firearm by make, model, serial number, and other identifying
26 characteristics, shall be entered into the AFS via the CLETS by the
27 law enforcement or state agency that transferred or delivered the
28 firearm. Those agencies without access to AFS shall arrange with
29 the sheriff of the county in which the agency is located to input this
30 information via this system. In addition, that law enforcement
31 agency shall not deliver that pistol, revolver, or other firearm
32 capable of being concealed upon the person to the person referred
33 to in this subparagraph unless prior to the delivery of the same the
34 person presents proof to the agency that he or she is the holder of
35 a basic firearms safety certificate or is exempt from obtaining a
36 basic firearms safety certificate pursuant to Section 12081 or,
37 commencing July 1, 2002, is the holder of a handgun safety
38 license.

39 (3) Subdivision (d) of Section 12072 shall not apply to a person
40 who takes possession of a firearm by operation of law in a

1 representative capacity who subsequently transfers ownership of
2 the firearm to himself or herself in his or her individual capacity.
3 In the case of a pistol, revolver, or other firearm capable of being
4 concealed upon the person, on and after April 1, 1994, and until
5 July 1, 2002, that individual shall have a basic firearms safety
6 certificate in order for the exemption set forth in this paragraph to
7 apply. Commencing July 1, 2002, the individual shall have a
8 handgun safety license.

9 (j) Subdivision (b) of Section 12060 and subdivision (d) of
10 Section 12072 shall not apply to deliveries, transfers, or returns of
11 firearms made pursuant to Section 12028, 12028.5, or 12030.

12 (k) Subdivision (b) of Section 12060, Section 12071, and
13 subdivision (c) of Section 12072 shall not apply to any of the
14 following:

15 (1) The delivery, sale, or transfer of unloaded firearms that are
16 not pistols, revolvers, or other firearms capable of being concealed
17 upon the person by a dealer to another dealer upon proof that the
18 person receiving the firearm is licensed pursuant to Section 12071.

19 (2) The delivery, sale, or transfer of unloaded firearms by
20 dealers to persons who reside outside this state who are licensed
21 pursuant to Chapter 44 (commencing with Section 921) of Title 18
22 of the United States Code and the regulations issued pursuant
23 thereto.

24 (3) The delivery, sale, or transfer of unloaded firearms to a
25 wholesaler if the firearms are being returned to the wholesaler and
26 are intended as merchandise in the wholesaler's business.

27 (4) The delivery, sale, or transfer of unloaded firearms by one
28 dealer to another dealer if the firearms are intended as merchandise
29 in the receiving dealer's business upon proof that the person
30 receiving the firearm is licensed pursuant to Section 12071.

31 (5) The delivery, sale, or transfer of an unloaded firearm that
32 is not a pistol, revolver, or other firearm capable of being
33 concealed upon the person by a dealer to himself or herself.

34 (6) The loan of an unloaded firearm by a dealer who also
35 operates a target facility that holds a business or regulatory license
36 on the premises of the building designated in the license or whose
37 building designated in the license is on the premises of any club or
38 organization organized for the purposes of practicing shooting at
39 targets upon established ranges, whether public or private, to a
40 person at that target facility or that club or organization, if the

1 firearm is at all times kept within the premises of the target range
2 or on the premises of the club or organization.

3 (l) A person who is exempt from subdivision (d) of Section
4 12072 or is otherwise not required by law to report his or her
5 acquisition, ownership, or disposal of a pistol, revolver, or other
6 firearm capable of being concealed upon the person or who moves
7 out of this state with his or her pistol, revolver, or other firearm
8 capable of being concealed upon the person may submit a report
9 of the same to the Department of Justice in a format prescribed by
10 the department.

11 (m) Subdivision (b) of Section 12060 and subdivision (d) of
12 Section 12072 shall not apply to the delivery, sale, or transfer of
13 unloaded firearms to a wholesaler as merchandise in the
14 wholesaler's business by manufacturers or importers licensed to
15 engage in that business pursuant to Chapter 44 (commencing with
16 Section 921) of Title 18 of the United States Code and the
17 regulations issued pursuant thereto, or by another wholesaler, if
18 the delivery, sale, or transfer is made in accordance with Chapter
19 44 (commencing with Section 921) of Title 18 of the United States
20 Code.

21 (n) (1) The waiting period described in Section 12071 or
22 12072 shall not apply to the delivery, sale, or transfer of a pistol,
23 revolver, or other firearm capable of being concealed upon the
24 person by a dealer in either of the following situations:

25 (A) The dealer is delivering the firearm to another dealer and
26 it is not intended as merchandise in the receiving dealer's business.

27 (B) The dealer is delivering the firearm to himself or herself
28 and it is not intended as merchandise in his or her business.

29 (2) In order for this subdivision to apply, both of the following
30 shall occur:

31 (A) If the dealer is receiving the firearm from another dealer,
32 the dealer receiving the firearm shall present proof to the dealer
33 delivering the firearm that he or she is licensed pursuant to Section
34 12071.

35 (B) Whether the dealer is delivering, selling, or transferring the
36 firearm to himself or herself or to another dealer, on the date that
37 the application to purchase is completed, the dealer delivering the
38 firearm shall forward by prepaid mail to the Department of Justice
39 a report of the same and the type of information concerning the
40 purchaser or transferee as is indicated in subdivision (b) of Section

1 12077. Where the electronic or telephonic transfer of applicant
2 information is used, on the date that the application to purchase is
3 completed, the dealer delivering the firearm shall transmit an
4 electronic or telephonic report of the same and the type of
5 information concerning the purchaser or transferee as is indicated
6 in subdivision (b) of Section 12077.

7 (o) Section 12071 and subdivisions (c) and (d) of Section
8 12072 shall not apply to the delivery, sale, or transfer of firearms
9 regulated pursuant to Section 12020, Chapter 2 (commencing with
10 Section 12200), or Chapter 2.3 (commencing with Section
11 12275), if the delivery, sale, or transfer is conducted in accordance
12 with the applicable provisions of Section 12020, Chapter 2
13 (commencing with Section 12200), or Chapter 2.3 (commencing
14 with Section 12275).

15 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
16 Section 12072 shall not apply to the loan of a firearm that is not
17 a pistol, revolver, or other firearm capable of being concealed upon
18 the person to a minor, with the express permission of the parent or
19 legal guardian of the minor, if the loan does not exceed 30 days in
20 duration and is for a lawful purpose.

21 (2) Paragraph (3) of subdivision (a) and subdivision (d) of
22 Section 12072 and subdivision (b) of Section 12060 shall not apply
23 to the loan of a pistol, revolver, or other firearm capable of being
24 concealed upon the person to a minor by a person who is not the
25 parent or legal guardian of the minor if all of the following
26 circumstances exist:

27 (A) The minor has the written consent of his or her parent or
28 legal guardian that is presented at the time of, or prior to the time
29 of, the loan, or is accompanied by his or her parent or legal
30 guardian at the time the loan is made.

31 (B) The minor is being loaned the firearm for the purpose of
32 engaging in a lawful, recreational sport, including, but not limited
33 to, competitive shooting, or agricultural, ranching, or hunting
34 activity, or a motion picture, television, or video production, or
35 entertainment or theatrical event, the nature of which involves the
36 use of a firearm.

37 (C) The duration of the loan does not exceed the amount of time
38 that is reasonably necessary to engage in the lawful, recreational
39 sport, including, but not limited to, competitive shooting, or
40 agricultural, ranching, or hunting activity, or a motion picture,

1 television, or video production, or entertainment or theatrical
2 event, the nature of which involves the use of a firearm.

3 (D) The duration of the loan does not, in any event, exceed 10
4 days.

5 (3) Paragraph (3) of subdivision (a) and subdivision (d) of
6 Section 12072 shall not apply to the loan of a pistol, revolver, or
7 other firearm capable of being concealed upon the person to a
8 minor by his or her parent or legal guardian if both of the following
9 circumstances exist:

10 (A) The minor is being loaned the firearm for the purposes of
11 engaging in a lawful, recreational sport, including, but not limited
12 to, competitive shooting, or agricultural, ranching, or hunting
13 activity, or a motion picture, television, or video production, or
14 entertainment or theatrical event, the nature of which involves the
15 use of a firearm.

16 (B) The duration of the loan does not exceed the amount of time
17 that is reasonably necessary to engage in the lawful, recreational
18 sport, including, but not limited to, competitive shooting, or
19 agricultural, ranching, or hunting activity, or a motion picture,
20 television, or video production, or entertainment or theatrical
21 event, the nature of which involves the use of a firearm.

22 (4) Paragraph (3) of subdivision (a) of Section 12072 shall not
23 apply to the transfer or loan of a firearm that is not a pistol,
24 revolver, or other firearm capable of being concealed upon the
25 person to a minor by his or her parent or legal guardian.

26 (5) Paragraph (3) of subdivision (a) of Section 12072 shall not
27 apply to the transfer or loan of a firearm that is not a pistol,
28 revolver, or other firearm capable of being concealed upon the
29 person to a minor by his or her grandparent who is not the legal
30 guardian of the minor if the transfer is done with the express
31 permission of the parent or legal guardian of the minor.

32 (6) Paragraph (3) of subdivision (a) of Section 12072 and
33 subdivision (b) of Section 12060 shall not apply to the loan of a
34 handgun to an individual aged 18, 19, or 20 years, provided that:

35 (A) The purpose of the loan is to engage in lawful, recreational
36 sport, including, but not limited to, competitive shooting, or
37 agricultural, ranching, or hunting activity, or a motion picture,
38 television, or video production, or entertainment or theatrical
39 event, the nature of which involves the use of a firearm.

1 (B) The duration of the loan does not exceed the amount of time
2 that is reasonably necessary to engage in the activities specified in
3 subparagraph (A).

4 (C) The duration of the loan does not, in any event, exceed 10
5 days.

6 (q) Subdivision (d) of Section 12072 shall not apply to the loan
7 of a firearm that is not a pistol, revolver, or other firearm capable
8 of being concealed upon the person to a licensed hunter for use by
9 that licensed hunter for a period of time not to exceed the duration
10 of the hunting season for which that firearm is to be used.

11 (r) The waiting period described in Section 12071, 12072, or
12 12084 shall not apply to the delivery, sale, or transfer of a firearm
13 to the holder of a special weapons permit issued by the Department
14 of Justice issued pursuant to Section 12095, 12230, 12250, or
15 12305. On the date that the application to purchase is completed,
16 the dealer delivering the firearm or the law enforcement agency
17 processing the transaction pursuant to Section 12084, shall
18 forward by prepaid mail to the Department of Justice a report of
19 the same as described in subdivision (b) or (c) of Section 12077 or
20 Section 12084. If the electronic or telephonic transfer of applicant
21 information is used, on the date that the application to purchase is
22 completed, the dealer delivering the firearm shall transmit to the
23 Department of Justice an electronic or telephonic report of the
24 same as is indicated in subdivision (b) or (c) of Section 12077.

25 (s) Subdivision (b) of Section 12060 and subdivision (d) of
26 Section 12072 shall not apply to the loan of an unloaded firearm
27 or the loan of a firearm loaded with blank cartridges for use solely
28 as a prop for a motion picture, television, or video production or
29 an entertainment or theatrical event.

30 (t) (1) The waiting period described in Sections 12071, 12072,
31 and 12084 shall not apply to the sale, delivery, loan, or transfer of
32 a firearm that is a curio or relic, as defined in Section 178.11 of
33 Title 27 of the Code of Federal Regulations, by a dealer or through
34 a law enforcement agency to a person who is licensed as a collector
35 pursuant to Chapter 44 (commencing with Section 921) of Title 18
36 of the United States Code and the regulations issued pursuant
37 thereto who has a current certificate of eligibility issued to him or
38 her by the Department of Justice pursuant to Section 12071. On the
39 date that the delivery, sale, or transfer is made, the dealer
40 delivering the firearm or the law enforcement agency processing

1 the transaction pursuant to Section 12084, shall forward by
2 prepaid mail to the Department of Justice a report of the
3 transaction pursuant to subdivision (b) of Section 12077 or Section
4 12084. If the electronic or telephonic transfer of applicant
5 information is used, on the date that the application to purchase is
6 completed, the dealer delivering the firearm shall transmit to the
7 Department of Justice an electronic or telephonic report of the
8 transaction as is indicated in subdivision (b) or (c) of Section
9 12077.

10 (2) Subdivision (d) of Section 12072 shall not apply to the
11 infrequent sale, loan, or transfer of a firearm that is not a pistol,
12 revolver, or other firearm capable of being concealed upon the
13 person, which is a curio or relic manufactured at least 50 years
14 prior to the current date, but not including replicas thereof, as
15 defined in Section 178.11 of Title 27 of the Code of Federal
16 Regulations.

17 (u) As used in this section:

18 (1) “Infrequent” has the same meaning as in paragraph (1) of
19 subdivision (c) of Section 12070.

20 (2) “A person taking title or possession of firearms by
21 operation of law” includes, but is not limited to, any of the
22 following instances wherein an individual receives title to, or
23 possession of, firearms:

24 (A) The executor or administrator of an estate if the estate
25 includes firearms.

26 (B) A secured creditor or an agent or employee thereof when
27 the firearms are possessed as collateral for, or as a result of, a
28 default under a security agreement under the Commercial Code.

29 (C) A levying officer, as defined in Section 481.140, 511.060,
30 or 680.260 of the Code of Civil Procedure.

31 (D) A receiver performing his or her functions as a receiver if
32 the receivership estate includes firearms.

33 (E) A trustee in bankruptcy performing his or her duties if the
34 bankruptcy estate includes firearms.

35 (F) An assignee for the benefit of creditors performing his or
36 her functions as an assignee, if the assignment includes firearms.

37 (G) A transmutation of property consisting of firearms
38 pursuant to Section 850 of the Family Code.

1 (H) Firearms passing to a surviving spouse pursuant to Chapter
2 1 (commencing with Section 13500) of Part 2 of Division 8 of the
3 Probate Code.

4 (I) Firearms received by the family of a police officer or deputy
5 sheriff from a local agency pursuant to Section 50081 of the
6 Government Code.

7 (J) The transfer of a firearm by a law enforcement agency to the
8 person who found the firearm where the delivery is to the person
9 as the finder of the firearm pursuant to Article 1 (commencing with
10 Section 2080) of Chapter 4 of Division 3 of the Civil Code.

11 (v) Subdivision (b) of Section 12060 shall not apply to the
12 delivery, sale, or transfer of handgun to a licensed firearms dealer.

13 (w) Subdivision (b) of Section 12060 and subdivision (d) of
14 Section 12072 shall not apply to the loan of a handgun provided
15 all of the following are met:

16 (1) The handgun is registered to the owner pursuant to Section
17 11106.

18 (2) The loan occurs within the registered handgun owner's
19 place of residence, or the handgun owner's private property,
20 except for property that is zoned for commercial, retail, or
21 industrial activity.

22 (3) The individual receiving the handgun is not prohibited from
23 owning or possessing a firearm pursuant to Section 12021 or
24 12021.2 of this code, or by Section 8100 or 8103 of the Welfare
25 and Institutions Code.

26 (4) The individual receiving the handgun is not under the age
27 of 21 years.

28 SEC. 8. Section 12081 of the Penal Code is amended to read:
29 12081. A basic firearms safety certificate shall not be required
30 for any of the following transactions:

31 (a) The delivery, sale, or transfer of a pistol, revolver, or other
32 firearm capable of being concealed upon the person to a dealer.

33 (b) The delivery, sale, or transfer of a pistol, revolver, or other
34 firearm capable of being concealed upon the person between or to
35 importers and manufacturers of firearms licensed to engage in that
36 business pursuant to Chapter 44 (commencing with Section 921)
37 of Title 18 of the United States Code and the regulations issued
38 pursuant thereto.

39 (c) The delivery, sale, or transfer of a pistol, revolver, or other
40 firearm capable of being concealed upon the person to an active

1 member of the United States Armed Forces, the National Guard,
2 the Air National Guard, and the active reserve components of the
3 United States, who is properly identified. For purposes of this
4 subdivision, proper identification includes the Armed Forces
5 Identification Card, or other written documents certifying that the
6 person is an active member of the United States Armed Forces, the
7 National Guard, the Air National Guard, or the active reserve
8 components of the United States.

9 (d) The delivery, sale, or transfer of a pistol, revolver, or other
10 firearm capable of being concealed upon the person to any person
11 honorably discharged from the United States Armed Forces, the
12 National Guard, the Air National Guard, or active reserve
13 components of the United States who is properly identified. For
14 purposes of this subdivision, proper identification includes a
15 Retired Armed Forces Identification Card, or other written
16 document certifying the person as being honorably discharged.

17 (e) The delivery, sale, or transfer of a pistol, revolver, or other
18 firearm capable of being concealed upon the person to any of the
19 following persons who are properly identified:

20 (1) Any California or federal peace officer who is authorized
21 to carry a firearm while on duty.

22 (2) Any honorably retired peace officer, as defined in Section
23 830.1, 830.2, or subdivision (c) of Section 830.5.

24 (3) Any honorably retired federal officers or agents who were
25 authorized to, and did, carry firearms in the course and scope of
26 their duties and are authorized to carry firearms pursuant to
27 subdivision (i) of Section 12027.

28 (4) Any persons who have permits to carry pistols, revolvers,
29 or other firearms capable of being concealed upon the person
30 issued pursuant to Article 3 (commencing with Section 12050) of
31 Chapter 1.

32 (5) Any persons who have a certificate of competency or a
33 certificate of completion in hunter safety as provided in Article 2.5
34 (commencing with Section 3049) of Chapter 1 of Part 1 of
35 Division 4 of the Fish and Game Code, which bears a hunter safety
36 instruction validation stamp affixed thereto.

37 (6) Any person who holds a valid hunting license issued by the
38 State of California.

39 (7) Any person who is authorized to carry loaded firearms
40 pursuant to subdivision (c) or (d) of Section 12031.

1 (8) Any person who has been issued a certificate pursuant to
2 Section 12033.

3 (9) Any basic firearms safety instructor certified by the
4 department pursuant to Section 12805.

5 (10) Persons who are properly identified as authorized
6 participants in shooting matches approved by the Director of
7 Civilian Marksmanship pursuant to the applicable provisions of
8 Title 10 of the United States Code.

9 (11) Persons who have successfully completed the course of
10 training specified in Section 832.

11 (12) Any person who receives an inoperable pistol, revolver, or
12 other firearm capable of being concealed upon the person pursuant
13 to Section 50081 of the Government Code.

14 (f) The delivery, sale, or transfer of a pistol, revolver, or other
15 firearm capable of being concealed upon the person which is a
16 curio or relic, as defined in Section 178.11 of Title 27 of the Code
17 of Federal Regulations, to a person who is licensed as a collector
18 pursuant to Chapter 44 (commencing with Section 921) of Title 18
19 of the United States Code and the regulations issued pursuant
20 thereto who has a current certificate of eligibility issued to him or
21 her pursuant to Section 12071.

22 (g) This section shall become inoperative on July 1, 2002, and,
23 as of January 1, 2003, is repealed, unless a later enacted statute,
24 that becomes operative on or before January 1, 2003, deletes or
25 extends the dates on which it becomes inoperative and is repealed.

26 SEC. 9. Section 12810 is added to the Penal Code, to read:

27 12810. This article shall become inoperative on July 1, 2002,
28 and, as of January 1, 2003, is repealed, unless a later enacted
29 statute, that becomes operative on or before January 1, 2003,
30 deletes or extends the dates on which it becomes inoperative and
31 is repealed.

32 SEC. 10. The provisions of this act, including all
33 responsibilities assigned to the Department of Justice by this act,
34 including, but not limited to, issuing handgun safety licenses,
35 maintaining a data base of all handgun safety license applicants
36 and recipients, and creating the content and materials for handgun
37 safety license courses, are contingent upon the Legislature
38 appropriating funding for those responsibilities, pursuant to this
39 act, to the Department of Justice in the Budget Act of 2001 for the

1 2001–02 fiscal year and shall not become operative unless that
2 funding is provided.

3 SEC. 11. No reimbursement is required by this act pursuant
4 to Section 6 of Article XIII B of the California Constitution for
5 certain costs that may be incurred by a local agency or school
6 district because in that regard this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 However, notwithstanding Section 17610 of the Government
13 Code, if the Commission on State Mandates determines that this
14 act contains other costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code. If the statewide cost of the
18 claim for reimbursement does not exceed one million dollars
19 (\$1,000,000), reimbursement shall be made from the State
20 Mandates Claims Fund.

